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Author and Title.

Colorado. Laws, statutes, etc.
Laws.

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L A W S

PASSED AT THE

Twelfth Session of the General Assembly
of the State of Colorado,

CONVENED AT DENVER,
ON THE FOURTH DAY OF JANUARY, A. D. 1899.

PUBLISHED BY AUTHORITY.

DENVER, COLORADO:
THE SMITH-BROOKS PRINTING COMPANY, STATE PRINTERS.
1899.

Entered according to Act of Congress, in the year 1899,
BY ELMER F. BECKWITH,
Secretary of State, for the use of the State of Colorado, in the office of the
Librarian of Congress, at Washington, D. C.

CERTIFICATE.

STATE OF COLORADO, }
OFFICE OF THE SECRETARY OF STATE, } SS.

I, ELMER F. BECKWITH, Secretary of State of the State of Colorado, do hereby certify that, by virtue of the authority vested in me by law, I have prepared for publication, and caused to be printed, a copy of all the laws and resolutions passed by the Twelfth General Assembly of the State of Colorado, at the biennial session thereof; that I have carefully compared the said printed laws and resolutions with the original manuscripts now on file in my office, and that the following are true, full and correct copies thereof.

In Testimony Whereof, I have hereunto set my hand
and affixed the Great Seal of the State of
(Seal.) Colorado.

Done at Denver, this twenty-second day of May, A.
D. 1899.

ELMER F. BECKWITH,
Secretary of State.

STATE OFFICERS

AND

Members of the Twelfth General Assembly.

EXECUTIVE DEPARTMENT.

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Thomas H. Tulley.....	Private Secretary.....	Denver
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Calvin E. Reed.....	Assistant Attorney-General.....	Denver
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Adair Wilson.....	Judge	Denver
Charles I. Thomson.....	Judge	Denver
James Perchard.....	Clerk	Denver
Cornelius Westervelt.....	Bailliff	Denver

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George W. Allen.....	} Second District.....	Denver
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Calvin P. Butler.....		
Peter L. Palmer.....		
Frank T. Johnson.....	} Third District.....	Trinidad
Jesse G. Northcutt.....		
Ira Harris.....		
Edward C. Stimson		
Frank W. Owers.....	Fourth District	Cripple Creek
James L. Russell.....	Fifth District.....	Leadville
Theron Stevens.....	Sixth District.....	Durango
Jay H. Boughton.....	Seventh District.....	Telluride
Thomas A. Rucker.....	Eighth District.....	Fort Collins
John H. Voorhees.....	} Ninth District.....	Aspen
N. Walter Dixon.....		
Morton S. Bailey.....	Tenth District.....	Pueblo
Charles C. Holbrook.....	Eleventh District.....	Cañon City
Edward E. Armour.....	Twelfth District.....	Alamosa
	Thirteenth District.....	Sterling

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Edwin L. Regennitter....	First District.....	Idaho Springs
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William L. Hayes.....	Thirteenth District.....	Sterling

OFFICERS.

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OFFICERS APPOINTED.

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Rod. S. King.....	Deputy State Engineer.....	Denver
Harry A. Lee.....	Commissioner of Mines.....	Denver
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L. C. Paddock.....	Appraiser	Denver
James T. Smith.....	Deputy Labor Commissioner...	Denver
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Richard Kett.....	Inspector of Steam Boilers....	Denver
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T. B. Crawford	Assistant Adjutant General....	Denver
John M. Johnson.....	Inspector General.....	Denver
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Thomas A. Rickard.....	State Geologist.....	Denver
Helen L. Grenfell.....	State Librarian (<i>ex officio</i>)....	Denver
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 I. D. ChamberlainSecretary.....Pueblo
 N. D. OwenCentral City

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W. S. Rudolph.....Chaplain.....Cañon City
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C. K. Fleming, M. D.....SecretaryDenver
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 Nathan A. Baker.....
 George L. Cannon, Jr.....
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A. K. Stevens.....		Gunnison
D. C. Wyatt.....		Arapahoe
George West.....		La Plata
George F. Patrick.....		Pueblo
William Green.....		Las Animas
Isaac Baer.....		Rio Blanco
Arthur J. Waldron.....	Secretary	Denver

STATE BOARD OF HORTICULTURE.

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Martha A. Shute.....	Secretary	Denver
W. S. Coburn.....		Hotchkiss
W. B. Osborn.....		Loveland
J. H. Crowley.....		Rocky Ford
John R. Penniston.....		Grand Junction

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J. N. Hall, M. D.....	Treasurer	Denver
A. B. Harbison, M. D.....		Trinidad
J. C. Chipman, M. D.....		Sterling
L. E. Lemen, M. D.....		Denver
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Leonard Freeman, M. D.....		Denver

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Fred C. Ewing.....	Treasurer.....	Glenwood Springs

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George M. Lee.....	Secretary.....	Denver
Henry Fulton.....		Boulder
Francis E. Bouck.....		Leadville
E. H. Parker.....		Denver

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Thomas Maloney.....		Denver
Humphrey Ehrens.....		Denver
James Hunt.....		Denver
William Reed.....		Denver

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W. C. Edwards.....	Secretary	Denver
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C. W. Sanborn.....		Boulder
Chas. L. Dickerson.....		Elizabeth

STATE HOME FOR DEPENDENT AND NEGLECTED
CHILDREN.

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Lucy M. Hughes.....	Vice-President	Denver
Dora E. Reynolds.....	Secretary	Denver
Louisa Arkins.....		Denver
Tyson S. Dines.....		Denver
H. W. Cowan.....	Superintendent	Denver

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Brigadier General Jno. W. Browning.....	Denver
Adjutant General J. C. Overmyer	Pueblo
Colonel D. M. Campbell	Pueblo
Colonel J. M. Johnson.....	Denver
Colonel Nathan Gregg, Jr., Military Secretary.....	Denver

TWELFTH GENERAL ASSEMBLY.

THE SENATE.

OFFICERS.

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John R. Schermerhorn.....	President pro tem.
Harry N. Sales.....	Secretary
Ralph Reed.....	Assistant Secretary
Lem J. Smith.....	Reading Clerk
W. S. Rudolph.....	Chaplain
Leonard Jackson.....	Sergeant-at-Arms
J. B. McGauran.....	Assistant Sergeant at Arms
Humphrey Jones.....	Chief Printing Clerk
F. J. Bawden.....	Chief Enrolling Clerk
Mrs. L. Rushworth.....	Chief Engrossing Clerk
W. J. Quiggle.....	Official Stenographer
W. H. Kelley.....	Docket Clerk
Belle Swink.....	Bill and Stationery Clerk
Will D. Clark.....	Clerk Revision Committee
E. R. Martin.....	Clerk Judiciary Committee
J. L. Wallace.....	Clerk Finance Committee
George W. Goddard.....	Doorkeeper

MEMBERS.

Term Expir's	Name	Age	Postoffice Address	No. of Dist'ct	Counties of	Politics
1900	Adams, Wm. H ...	38	Alamosa	24	Conejos ... Archuleta.	..... Democrat
1902	Ammons, E. M ...	38	Littleton....	3	Douglas... El Paso... Teller	Teller Sil. Rep. <i>1-41 7</i>
1902	Annear, Thomas ..	35	Silverton ...	18	San Juan. Ouray ....	..... Populist
1900	Barela, Casimiro..	52	Trinidad....	4	Las Animas	..... Democrat / -
1900	Bromley, E. A	41	Brighton....	1	Arapahoe.	.... Republican
1902	Buckley, W. S	36	Telluride....	17	Montrose . San Miguel Dolores ...	..... Democrat . -
1902	Bucklin, Jas. W ..	42	Grand Junc.	16	Mesa Delta Gunnison .	..... Single Tax /

OFFICERS.

MEMBERS.

Term Expires	Name	Age	Postoffice Address	No. of District	Counties of	Politics
1-1900	Crosby, James....	33	Denver.....	22	Kit Carson Arapahoe. Lincoln... Elbert.....	..... Populist
1-1111902	Ehrhart, Thos. J..	40	Centreville..	20	Chaffee ... Park .....	..... Democrat
1-111902	Evans, James C....	53	Ft. Collins ..	10	Larimer ..	Teller Sil. Rep.
1111-111900	Felton, Wm. B	61	Canon City..	9	Fremont..	Teller Sil. Rep.
1900	Gallagher, Joseph	49	Silver Plume	12	Clear Cr'k	..... Populist
1900	Gaymon, O. K.....	41	Breck'ridge.	13	Summit... Grand Routt .....	..... Silver Rep.
1900	Harris, John J ...	49	Dolores	19	La Plata.. Montezuma	Teller Sil. Rep.
1902	Hill, Wm. A.....	35	Fort Morgan	25	Logan..... Morgan ... Phillips .. Sedgwick .. Washington Yuma.....	Teller Sil. Rep.
1900	Maxwell, James P	59	Boulder	5	Boulder ..	Teller Sil. Rep.
1111-111900	McCreery, Jas. W.	49	Greeley	7	Weld .....	..... Silver Rep.
1-1902	Meyer, W. H.....	52	Ft. Garland.	14	Costilla ... Huerfano . Custer ....	.... Republican
1-1902	Newell, Samuel V.	45	Central City	26	Gilpin	Teller Sil. Rep.
11-111902	Parks, Fred W....	27	Denver.....	1	Arapahoe .	Teller Sil. Rep.
1-1902	Philp, Chas. T	35	Denver.....	1	Arapahoe .	..... Populist
11-1900	Porterfield, C. I ..	43	Pueblo.....	2	Pueblo ....	..... Populist
1-1902	Roe, Clark W.....	35	Amethyst ...	15	Mineral ... Rio Grande Hinsdale.. Saguache.	..... Populist
1-1900	Schermerhorn, John R.....	..	Denver.....	1	Arapahoe .	Teller Sil. Rep.
11-111900	Seldomridge, Harry H	35	Colo. Springs	3	El Paso... Douglas .. Teller .....	..... Democrat
1-1902	Smith, Joel W....	44	Leadville ...	6	Lake .....	..... Democrat
1-111902	Stewart, A. T	43	Pueblo	2	Pueblo ....	..... Democrat
11-1902	Stratton, Thomas H.....	41	Lake George	28	Lake..... Park .....	..... Populist
1900	Swink, George W.	63	Rocky Ford.	23	Otero..... Prowers... Bent	Teller Sil. Rep.

OFFICERS.

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MEMBERS.

Term Exp'r's	Name	Age	Postoffice Address	No. of Dist'ct	Counties of	Politics
1900	Taylor, Edward T.	40	Glenwood Springs ...	21	Garfield... Eagle .....	..... Populist <i>15-14 141</i>
1902	Tanquary, Lee A..	32	Palmer Lake	27	Pueblo..... Huerfano ..	..... Populist
1900	Thomas, Theo. H..	47	Denver	1	Arapahoe ..	Teller Sil. Rep. <i>// 14 //</i>
1900	West, Leander....	54	Golden	8	Jefferson..	..... Democrat
1900	Wheeler, B. Clark	49	Aspen	11	Pitkin.....	..... Silver Rep. <i>//</i>
1902	Whitford, Clay B..	44	Denver	1	Arapahoe ..	..... Democrat <i>- 111</i>

HOUSE OF REPRESENTATIVES.

OFFICERS.

W. G. Smith.....	Speaker
D. H. Dickason.....	Chief Clerk
L. B. Cartter.....	Assistant Clerk
Frank Hollywood.....	Sergeant-at-Arms
W. C. Edwards.....	Reading Clerk
D. M. Jones.....	Docket Clerk
E. J. Picard.....	Chief Printing Clerk
W. C. Munsell.....	Chief Engrossing Clerk
W. G. McCluskey.....	Chief Enrolling Clerk
R. L. Shaw.....	Stationery and Bill Clerk
A. D. Williams.....	Official Stenographer
M. F. Viancourt.....	Assistant Sergeant-at-Arms
W. J. Ryan.....	Assistant Sergeant-at-Arms
E. Dawley.....	Assistant Sergeant-at-Arms

MEMBERS.

Name	Age	Postoffice Address	Representing Counties of	Politics
Adams, J. F.....	30	Denver	Arapahoe ...	..... Democrat
Ballinger, W.....	57	Como	Park	Teller Sil. Republican
Barnard, W. T.....	41	Dawkins	Pueblo .....	..... Populist
Barry, Mary F., Dr...	39	Pueblo	Pueblo	Teller Sil. Republican ;
Bartels, A. C.....	26	Denver	Arapahoe ...	Teller Sil. Republican

OFFICERS.

MEMBERS.

Name	Age	Postoffice Address	Representing Counties of	Politics
// ~ Bell, Everett.....	38	Trinidad	Las Animas- Bent	Teller Sil. Republican
/ Bradley, J. J.....	47	Denver.....	Arapahoe ...	..... Populist
1- // Briscoe, Cole.....	48	Castle Rock.	Douglas.....	..... Democrat
1- ~ / Browning, J. W.....	55	Denver.....	Arapahoe ...	..... Democrat
11 Burwell, Blair	51	Durango	La Plata.....	..... Populist
/ Byron, Jay.....	38	Ward.....	Boulder.....	..... Democrat
}- / Cannon, W. F.....	36	Denver.....	Arapahoe ...	Teller Sil. Republican
Castetter, O. H	38	Holyoke	Logan .....	..... Democrat
			Sedgwick	
			Phillips	
/ Clark, J. M	58	Greeley	Weld .....	..... Populist
/ ~ Dickerson, C. L.....	38	Elizabeth ...	Elbert.....	..... Republican
			Lincoln.....	
Dilts, James.....	50	Eagle	Eagle	Teller Sil. Republican
/ Drumm, H. A	41	Boulder.....	Boulder.....	Teller Sil. Republican
Duncan, W. T.....	46	Irondale	Arapahoe ...	..... Democrat
/ Dunlavy, J. P.....	32	Trinidad	Las Animas.	..... Democrat
/ Elliott, J. J.....	55	Idaho Springs	Clear Creek.	Teller Sil. Republican
Engley, Eugene.....	46	Alamosa	Archuleta ...	..... Socialist
			Conejos	
1- ~ Estes, A. G.....	37	Denver.....	Arapahoe ...	Teller Sil. Republican
// - Farris, W. P	58	Hot Sulphur Springs	Grand	Teller Sil. Republican
			Summit.....	
Garcia, C.....	37	Conejos	Conejos .....	..... Republican
Gaughan, J. W.....	42	Altman.....	El Paso .....	..... Populist
Hammond, C. M.....	32	Paonia	Montrose ...	..... Populist
			Delta	
/ ~ Harter, J. P	27	Loveland ...	Larimer .....	..... Democrat
/ ~ Hermond, F. M	38	Pueblo	Pueblo .....	..... Populist
Hollenbeck, L. A	42	Salida.....	Chaffee .....	..... Populist
// Hughes, Edward C ...	55	Black Hawk	Gilpin.....	Teller Sil. Republican
Jefferson, B. L.....	28	Hayden	Routt .....	..... Democrat
			Rio Blanco..	
Jones, W. C... ..	30	Colo. Springs	El Paso .....	..... Democrat
Judkins, C. W	42	Aspen	Pitkin.....	..... Populist
Kamm, H. R.....	40	New Castle..	Garfield.....	Teller Sil. Republican
Kendrick, F. E.....	29	Leadville ...	Lake Populist

OFFICERS.

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MEMBERS.

Name	Age	Postoffice Address	Representing Counties of	Politics
Kennedy, John (Ouray)	35	Ouray	Ouray .....	..... Populist
Kennedy, W. R. (Lake)	54	Leadville ...	Lake .....	..... Democrat
Lawrence, John	63	Saguache ...	Saguache ...	..... Democrat /
Lee, Mrs. F. S.	29	Denver	Arapahoe ...	..... Democrat
Litz, A. E.	57	Pueblo	Pueblo	Teller Sil. Republican
McLean, N. N.	30	Lamar	Kiowa .....	..... Republican
			Baca	
			Powers	
Montgomery, B. F.	64	Cripple Creek	El Paso .....	..... Democrat - /
Moore, F. A.	40	Rockvale	Fremont .....	..... Populist - /
Morris, Max.	32	Denver	Arapahoe ...	..... Populist
Murray, P. H.	35	Trinidad	Las Animas ..	..... Democrat
Natcher, W. H.	45	Denver	Arapahoe ...	..... Democrat
Ovington, T. R.	37	Lafayette ...	Boulder .....	..... Democrat
Patterson, R. W.	43	La Junta	Otero	Teller Sil. Republican
Pino, J. N.	38	St. Mary's ...	Huerfano ...	..... Republican
Reichard, Alfred	44	Denver	Arapahoe ...	Teller Sil. Republican
Rawalt, C. T.	38	Gunnison ...	Gunnison ...	..... Democrat - /
Ryan, Ed., Jr.	28	Silver Cliff ..	Custer .....	..... Democrat - /
Sanchez, J. P.	57	San Luis	Costilla .....	..... Republican
Schroeder, T. F.	51	Cheyenne Wells	Kit Carson ..	..... Republican ✓
			Cheyenne ...	
Severance, D. E.	51	Severance ...	Weld .....	..... Democrat
Short, E. L.	36	Dolores	Dolores .....	..... Democrat
			Montezuma ..	
Sloan, Wm. C.	35	Teller	Rio Grande ..	Teller Sil. Republican
			Mineral	
Smith, Geo. (Mesa) ...	41	Grand Jct. ...	Mesa .....	..... Populist / -
Smith, Matthew M. (Chaffee)	41	Salida	Fremont .....	..... Populist / -
			Chaffee	
Smith, W. G. (Jefferson)	41	Golden	Jefferson	Teller Sil. Republican X -
Steele, W. C.	26	Denver	Arapahoe ...	..... Populist /
Taylor, W. A.	70	Telluride	San Miguel ..	..... Democrat /

OFFICERS.

MEMBERS.

Name	Age	Postoffice Address	Representing Counties of	Politics
11-1 Turney, A. N.....	34	Yuma	Yuma .....	..... Populist
-1 Uglow, John.....	31	Lake City...	Morgan .....	..... Populist
Wright, H. G. R., Mrs.	48	Denver.....	Hinsdale.... San Juan ...	..... Populist
			Washington	
			Arapahoe ...	

CHAPTER 1.

APPROPRIATION—REGULATING PAYMENT.

(H. B. No. 514, by Mr. Smith, of Jefferson.)

AN ACT

AMENDING AN ACT ENTITLED "AN ACT REGULATING THE PAYMENT OF APPROPRIATIONS IN CASE THE REVENUES OF THE STATE ARE INSUFFICIENT TO MEET ALL APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY," APPROVED APRIL 14, 1897.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. Paragraph "Third" of section 1, of an act entitled, "An act regulating the payment of appropriations in case the revenues of the state are insufficient to meet all the appropriations made by the General Assembly," approved April 14, 1897, is hereby amended so as to read as follows;

"Third—Appropriations for educational and charitable institutions; Provided, That in case there is [are] not sufficient revenues for any fiscal term to meet in full the appropriation for educational and charitable institutions, after providing for the necessary amounts appropriated according to paragraphs first and second of this act, then in that event whatever there may be to apply on account of said appropriations for said educational and charitable institutions, shall be distributed among all of said institutions appropriated for (under this clause of said act) pro rata according as the amount appropriated for each of said institutions shall bear to the total amount available for all of said educational and charitable institutions for said fiscal term."

Appropriation educational and charitable institutes.
How distributed.

Sec. 2. All acts or parts of acts in conflict with this act are hereby repealed.

Emergency.

Sec. 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall be in force and take effect from and after its passage.

Approved April 8, 1899.

CHAPTER 2.

APPROPRIATION—HENRY L. ACKER.

(H. B. No. 83, by Mr. Smith, of Chaffee.)

AN ACT

FOR THE RELIEF OF HENRY L. ACKER, INSPECTOR OF METALLIFEROUS MINES AND MAKING AN APPROPRIATION FOR THAT PURPOSE.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. There is hereby appropriated out of any moneys in the state treasury, of the revenues of any fiscal year, not otherwise appropriated, the sum of three thousand eight hundred forty-one dollars and forty-eight cents (\$3,841.48) for the purpose of paying the balance of the Salary, interest and expenses of Henry L. Acker, as inspector of Metalliferous Mines.

Auditor draw warrants.

Sec. 2. The Auditor of State is hereby authorized and directed to draw warrents [warrants] in payment of the appropriation made by this act for the sum of three thousand eight hundred and forty-one dollars, and forty eight cents (\$3,841.48) upon any moneys in the State treasury of the revenues of the fiscal years 1897 or 1898 or any Other fiscal year or years not Otherwise appropriated.

Emergency.

Sec. 3. In the opinion of the General Assembly an emergency exists therefore this act shall take effect and be in force from and after its passage.

Approved April 24, 1899.

CHAPTER 3.

APPROPRIATION—ARTESIAN WELL, GRASS VALLEY.

(H. B. No. 157, by Mr. Kamm.)

AN ACT

TO PROVIDE FOR THE SINKING OF AN ARTESIAN WELL IN GRASS VALLEY AT OR NEAR ANTLERS IN THE COUNTY OF GARFIELD, STATE OF COLORADO.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. There is hereby appropriated out of any Appropriation. money in the State treasury belonging to the internal improvement, permanent or income fund the sum of two thousand five hundred dollars (\$2,500.), or so much thereof as may be necessary, for the purpose of sinking an artesian well, or wells, in Grass Valley, at or near Antlers, in the County of Garfield, to be used by the inhabitants of said Valley for supplying water for irrigating and domestic uses.

Sec. 2. The Governor, State engineer, and the board Board of County Commissioners of Garfield County shall be and composed of. are hereby constituted a board for the purpose of locating and constructing said well or wells.

Sec. 3. It shall be the duty of the board, as soon as it Duty of. may be convenient and practical after this act shall take effect, to carefully investigate and select the most desirable location of the site for the sinking of said well or wells at or near said Antlers, as in their judgment they may deem most likely to produce the best results in the carrying out of the objects of this act.

Sec. 4. After the location of the site for said well, Shall let contract. the board herein provided for shall let a contract for the sinking of the same to the lowest responsible bidder; pro-

Advertise for
bids.

Shall require
bond.

Auditor draw
warrant.

Emergency.

vided, however, that said board may reserve the right to reject any and all bids if such action be deemed necessary for the public good, and it shall be the duty of the board to advertise for bids for the work of sinking said well or wells; said advertisement shall be inserted for at least thirty (30) days in at least two different newspapers of general circulation published in this State, one of which shall be some newspaper published in Garfield County and the other some newspaper published in the City of Denver; and, provided, further, that said board shall require a good and sufficient bond with sureties to be approved by the said board, from the party or parties contracting for said work in the sum of double the amount named in the contract price of said work, conditioned for the completion of the work in accordance with the contract and specifications in detail as shall be drawn by the state engineer.

Sec. 5. When the work shall have been completed according to the contract and accepted by the board, The Auditor of State is hereby directed to draw a warrant for the amount on the certificate of the state engineer that the said work has been completed according to the contract, and that the same has been accepted by the board.

Sec. 6. Whereas in the opinion of the General Assembly an emergency exists; therefore this act shall be in force from and after its passage.

Approved April 29, 1899.

CHAPTER 4.

APPROPRIATION—ARTESIAN WELL, CHEYENNE COUNTY.

(H. B. No. 28, by Mr. Schroeder.)

AN ACT

TO PROVIDE FOR THE SINKING OF AN ARTESIAN WELL, ON STATE LANDS, IN TOWNSHIP 14, SOUTH, RANGE 44 WEST OF THE 6TH PRINCIPAL MERIDIAN, CHEYENNE COUNTY, COLORADO, FOR THE PURPOSE OF TESTING THE FLOW OF ARTESIAN WATER; FOR IRRIGATING PURPOSES; IRRIGATING STATE LANDS, AND PROSPECTING THE SAME FOR THE DISCOVERY OF MINERAL OILS, COAL, ETC.; PROVIDING A BOARD TO LOCATE SAID WELL AND SUPERINTEND THE CONSTRUCTION OF THE SAME, AND MAKE AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. There is hereby appropriated out of any money in the state treasury, belonging to the internal improvement, permanent or income fund, the sum of four thousand dollars (\$4,000.00) or so much thereof as may be necessary for the purpose of sinking an artesian well at some point to be hereafter determined, on state land, in Township 14, south, range 44 west of the 6th principal meridian, Cheyenne County, Colorado; and for the purpose of testing the flow of artesian water; for irrigating purposes; irrigating state land, and prospecting the same for the discovery of mineral oils, coal, etc.; Provided, in case there may be no money in said fund to meet said appropriation, or any part thereof, at the time of payment for said work, the state treasurer is hereby authorized and directed to pay the warrants drawn by the auditor of state for the amount herein appropriated, with valid state warrants, invested in either or both of said funds; Warrants, how paid.

said warrants so invested to be received by the contractor of said work at par, with accrued interest thereon in full payment of the contract price of said work, or any part thereof, for the payment of which there may be no money in said fund.

Board of construction composed of.

Sec. 2. The governor of the state of Colorado, the state engineer, and the chairman of the board of county commissioners of Cheyenne county shall be and hereby constitute a board of supervision, of which board the Governor shall be the chairman and the state engineer shall be the secretary.

Duty of.

Sec. 3. It shall be the duty of the board, as soon as it may be convenient and practical, after this act shall take effect to carefully investigate and to select such location of the site for the sinking of said well, either on section 16, or the northeast quarter of section 29, in said Township and range as in their judgment they may deem most likely to produce the best results in the carrying out of the objects of this act.

Contract, how let.

Sec. 4. After the location of the site for said well the board herein provided for shall let a contract for the sinking of the same to the lowest responsible bidder; Provided, however, That said board may reserve the right to reject any and all bids, if such action be deemed necessary for the public good, and it shall be the duty of said board to advertise for bids for the work of sinking said well. Said advertisement shall be inserted for at least thirty (30) days in at least three different newspapers [newspapers] in this state, one of which shall be the Cheyenne Republican, published at Cheyenne Wells, Cheyenne County, Colorado; and, Provided, further,

Shall advertise for bids.

Contractor give bond.

That said board shall require a good and sufficient bond, with sureties, to be approved by the secretary of said board, from the party or parties contracting for said work, in the sum of double the amount named in the contract price of said work, conditioned for the completion of the work, in accordance with the contract and specifications in detail as shall be drawn by the state engineer.

Sec. 5. The state engineer, as secretary of the board of supervision, shall require of the contractor a detailed statement of the character of the strata through which said well shall be sunk, and said contractor shall keep an accurate account of the work from the commencement thereof to its completion, and shall further furnish to the state engineer at his office in Denver, samples of all the various strata, soils encountered during the prosecution of said work, and full and complete data concerning the extent of the same.

Require statement character strata.

Sec. 6. When the work shall have been completed, according to the contract, and accepted by the board, the auditor of state is hereby authorized and directed to draw a warrant or warrants for the amount or amounts on the certificate of the state engineer, countersigned by the governor, that the work has been completed according to the contract, and that the same has been duly accepted by the board of construction.

Auditor draw warrant.

Sec. 7. Whereas, In the opinion of the general assembly, an emergency exists; Therefore, this act shall take effect from and after its passage.

Emergency.

Approved April 29, 1899.

CHAPTER 5.

APPROPRIATION—ARTESIAN WELL, SAGUACHE COUNTY.

(H. B. No. 223, by Mr. Lawrence.)

AN ACT

TO PROVIDE FOR THE SINKING OF AN ARTESIAN WELL ON THE STATE LAND IN SECTION 6, TOWNSHIP 44, NORTH OF RANGE 8 EAST, NEW MEXICO PRINCIPAL MERIDIAN, THE SAME BEING THE SITE AND RESERVOIR KNOWN AS THE STATE SAGUACHE COUNTY RESERVOIR, AND TO APPROPRIATE MONEY TO PAY FOR THE SAME.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. There is hereby appropriated out of any funds in the State Treasury belonging to the Internal Improvement fund or Internal Improvement Income Fund, and not otherwise appropriated, the sum of five thousand dollars (\$5,000), or so much thereof as may be needed, for the purpose of sinking an artesian well at some suitable place on the land in section 6, in township number 44, north of range 8 east, New Mexico principal meridian, the same being the land, site and reservoir known as the State Saguache County reservoir, the said well being for the purpose of testing lands in the Great San Luis [Luis] Valley of this class as to flow of water, and for mineral, oil, coal, etc, but principally, if water is struck, to fill the Saguache reservoir.

Purpose of.

Board of construction composed of.

Sec. 2. The Governor and State Engineer, and the County Judge of Saguache County, shall constitute a board for the purpose of selecting the place and superintending the sinking of said well, and the Governor shall be President and the State Engineer Secretary of the board.

Sec. 3. The said board of construction of said well shall, as soon as practicable after the passage of this act, select the place to sink said well, which may be on lands adjoining the above lands owned by the State, but in such case the flow of any water had from said well must be direct towards and into said reservoir, Provided, That none of the money herein appropriated for the sinking of said well shall be used in procuring title to said land, and where said land is not Government land, then the county Commissioners, or citizens of the County or State, may procure title to said land and convey it to the State, with the understanding that the said well is to be sunk thereon;

Location of well.

Land procured, how.

Provided further, That if in the judgment of the State Engineer, after a careful examination of the site selected, it is possible to fill the said reservoir from the proposed well, and that the benefits to be derived therefrom will be commensurate with the out lay, and that the reservoir will hold the water which may be collected, then the said board may enter into contract for the sinking of the said well, otherwise the balance remaining unexpended, after the expenses of said examination by the State Engineer have been paid, shall be returned to the fund from which it was taken.

May let contract.

Sec. 4. The said board of construction shall make such plans and specifications as they may think best for the sinking of said well, the bore of said well to be not less than six inches in diameter for the first three hundred feet down. They shall advertise for bids for the sinking of said well in at least one paper in Saguache County and in one paper in Denver, Colorado, for at least four weeks before a contract shall be let, and the bids may be opened and contract let in the Governor's office in Denver, or in the County Clerk's office in Saguache County, Colorado, as the said board may select, but the place must be stated in the advertisement inviting bids. The said board shall have the power to reject any or all bids, in which case they shall, in form above stated, advertise for new bids, and when contract is awarded they

Board make specifications.

Shall advertise for bids.

Contractor furnish approved bond.

shall exact from the person or persons to whom the contract is awarded, a bond in double the amount of said contract price, for their faithful performance of this contract, said bond to be approved by the State Engineer.

Furnish data character of strata.

Sec. 5. The contractor shall keep an accurate account of the various strata, soils or formations he shall penetrate in sinking said well, and shall furnish and deliver to the State Engineer at Denver a statement, accompanied as near as may be, with samples of the said Stratas, soils or formations.

Auditor draw warrant.

Sec. 6. When the work shall be completed according to the contract, and accepted by the board, the Auditor of State is hereby authorized and directed to draw a warrant or warrants for the amount or amounts on the certificate of the State Engineer, countersigned by the Governor, that the work has been completed according to the contract, and that the same has been duly accepted by the board of Construction; Provided, that the board of construction may agree, and specify in the contract, that the contractor may be paid specified sums on the completion of each and every one hundred feet of the sinking of said well, in which case the auditor of State is authorized to draw a warrant for the same, on the Certificate of the State Engineer, countersigned by the Governor.

May pay contractor, how.

Emergency.

Sec. 7. In the opinion of the General Assembly an emergency exists: therefore, this act shall take effect and be in force from and after its passage.

Approved April 29, 1899.

CHAPTER 6.

APPROPRIATION—BOARD OF HEALTH.

(H. B. No. 104, by Mr. Jefferson.)

AN ACT

MAKING AN APPROPRIATION FOR THE STATE BOARD OF HEALTH FOR 1899 AND 1900.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That there is hereby appropriated out of Appropriation, any funds in the Treasury not otherwise appropriated, for salaries. the pay of the salary of the Secretary and the contingent expenses of the State Board of Health, for the years 1899 and 1900, the sum of three thousand (\$3,000.) dollars, the same to be drawn upon vouchers certified by the president and secretary of said board, fifteen hundred dollars (\$1500.00) for 1899 and fifteen hundred dollars (\$1500.00) for 1900.

Sec. 2. That there is hereby appropriated out of any Appropriation, funds in the treasury not otherwise appropriated, for the sanitary analyses. prosecution of sanitary analyses and investigations by the State Board of Health, for the years 1899 and 1900, the sum of one thousand dollars (\$1000.), the same to be drawn upon vouchers certified by the president and secretary of said board, five hundred dollars (\$500.00) for 1899 and five hundred dollars (\$500.00) for 1900.

Sec. 3. Whereas, in the opinion of the General As- Emergency. sembly an emergency exists; therefore, this act shall take effect from and after its passage.

Approved April 29, 1899.

CHAPTER 7.

APPROPRIATION—BRIDGE, ARKANSAS RIVER.

(S. B. No. 206, by Senator Swink.)

AN ACT

FOR THE CONSTRUCTION OF A BRIDGE ACROSS THE ARKANSAS RIVER IN OTERO COUNTY, NEAR THE WEST LINE OF RANGE 55 WEST, AND TO APPROPRIATE MONEY FOR THE PAYMENT OF THE SAME.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. There is hereby appropriated out of any money in the state treasury belonging to the internal improvement, permanent or income fund, or out of any money that may come into said fund, or either of them, the sum of six thousand (\$6,000) dollars, or so much thereof as may be necessary, for the purpose of constructing a state bridge across the Arkansas River in Otero County, at or near the west line of Range fifty-five (55) W. The exact location of said bridge shall be determined by the commission mentioned in the succeeding section.

Board composed of.

Sec. 2. The governor and the state engineer of this state, with the Chairman of the Board of County Commissioners of Otero County, shall be and hereby are made a board for the purpose of locating and constructing said bridge.

Duty of.

Sec. 3. It is hereby made the duty of said board as soon as this act takes effect, to advertise for and secure plans and specifications for the construction of said bridge.

Advertise for blds.

Sec. 4. Upon the adoption of proper plans and specifications for the construction of a wagon bridge, as aforesaid, it shall be the duty of such board to advertise for

bids in accordance therewith, and thereupon they shall let the contract to the lowest responsible bidder; Provided, That said board shall require good and sufficient Contractor furnish bond. bond from the party or parties contracting, in the aggregate sum of twelve thousand (\$12,000) dollars for the completion of the work in accordance with the contract or contracts.

Sec. 5. Such state bridge, when constructed, shall be a public highway and free to the use of all persons.

Sec. 6. When constructed, it shall be the duty of the county of Otero to keep such bridge in repair at its own expense.

Sec. 7. Upon the completion of said bridge, according to contract, the auditor of state is hereby authorized to draw warrants for the amount appropriated by section one (1) of this act, or so much thereof as may be necessary, for the purpose of paying the amount due on said contract.

Sec. 8. In case there be no money in said fund or funds to meet the said appropriation, or any part thereof, the state treasurer is hereby authorized and directed to pay the warrants drawn by the auditor of state for the amount herein appropriated, with valid state warrants invested in said fund or funds, and said warrants so invested shall be received by any and all contractors of said work at par, with accrued interest thereon, in full payment of the contract price of said work, or any portion thereof, for the payment of which there may be no money in said fund or funds.

Sec. 9. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 27, 1899.

CHAPTER 8.

APPROPRIATION—BRIDGE, BLUE RIVER.

(S. B. No. 43, by Senator Gaymon.)

AN ACT

TO CONSTRUCT A STATE BRIDGE, ACROSS THE BLUE RIVER, AND APPROACHES THERETO AT A POINT KNOWN AS MUMFORD'S CROSSING, IN SUMMIT COUNTY, ON OR NEAR SECTION 18, TOWNSHIP NO. 2, SOUTH OF RANGE 79 WEST SIXTH PRINCIPAL MERIDIAN, AND TO APPROPRIATE MONEY FOR THE PAYMENT OF THE SAME.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. There is hereby appropriated, out of any money in the State Treasury belonging to the internal improvement permanent fund, or internal improvement income fund or any money which may hereafter come into said fund or either of them, and not otherwise appropriated, the sum of five thousand dollars (\$5,000), or so much thereof as may be deemed necessary for the purpose of constructing a State Wagon Bridge, of Wood and Iron, or Steel, across the Blue River, at a point known as Mumford's Crossing, in Summit County, in or near Section 18, in Township No. 2, South, Range 79 West Sixth Principal Meridian, or as near thereto as may be deemed practicable. The exact location of said bridge shall be determined by the commission mentioned in the succeeding section; Provided, That the work and labor herein provided for, for the construction of said bridge and approaches, shall be done and performed by citizens of Colorado, who have been residents therein for a period of not less than six months.

Location determined by commission.

Board composed of.

Sec. 2. The Governor and State Engineer of this State, with the Chairman of the Board of County Com-

missioners of Summit County shall be and hereby are made a board for the purpose of locating and constructing said Bridge and approaches.

Sec. 3. It is hereby made the duty of said board, as soon as this act takes effect, to advertise for and secure plans and specifications, for the construction of said bridge and approaches. Board advertise for plans and specifications.

Sec. 4. Upon the adoption of proper plans and specifications for a wagon bridge and approaches, as aforesaid, it shall be the duty of said board to advertise for bids in accordance therewith and thereupon, they shall let the contract to the lowest responsible bidder; Provided, That if the board shall determine, after examination and survey, that the bridge and approaches provided for in this act cannot be constructed with the amount of money herein appropriated, then in such case, no part of such appropriation shall be expended, except so much thereof, as may be necessary to defray the expenses which may have been incurred by the board in making the necessary examinations and surveys, unless the board of Commissioners of said Summit County, or other responsible parties, shall agree to furnish the amount required in excess of this appropriation and shall furnish to the commission herein established, satisfactory evidence that such money will be forthcoming on demand of such a commission at the completion of said bridge and approaches. Board advertise for bids. If appropriation insufficient.

Sec. 5. Said bridge, when constructed, shall be a public highway, and free to the use of all persons. Public highway.

Sec. 6. When constructed, it shall be the duty of the County of Summit, to keep said bridge in repair, at its own expense. Kept in repair by.

Sec. 7. In case there be no money in said fund or funds to meet the said appropriation, or any part thereof, at the time of payment for said work or any part thereof, the State Treasurer is hereby authorized and directed to pay the warrants drawn by the Auditor of State, for the amount herein appropriated, with valid State Warrants invested in said fund or funds, and said warrants so in- If no funds treasurer draw warrants.

vested shall be received by said contractor at par, with accrued interest thereon, in full payment of the contract price of said work or any portion thereof, for the payment of which there may be no money in said fund or funds.

Auditor draw
warrants.

Sec. 8. Upon the completion of said bridge and approaches, according to contract, the Auditor of the State is hereby authorized to draw warrants for the amount appropriated by section 1 of this Act, or so much thereof as may be necessary, for the purpose of paying amount due on said contract.

Balance
returned to
fund.

Sec. 9. In the event of a balance remaining to the credit of said appropriation, the money so apportioned, or balance thereof, as the case may be, shall be recovered back into the fund from which it was taken.

Emergency.

Sec. 10. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 22, 1899.

CHAPTER 9.

APPROPRIATION—BRIDGE, GRAND RIVER.

(S. B. No. 510, by Senator Taylor.)

AN ACT

TO PROVIDE FOR THE CONSTRUCTION OF AN IRON OR PARTLY IRON OR STEEL AND PARTLY WOOD BRIDGE ACROSS THE GRAND RIVER IN EAGLE COUNTY, COLORADO; AND TO APPROPRIATE MONEY FOR THE PAYMENT OF THE SAME.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.

Section 1. There is hereby appropriated out of any money in the state treasury belonging to the internal improvement permanent fund or the internal improve-

ment income fund, and out of any money which may hereafter be credited to said fund or funds and not otherwise appropriated, the sum of five thousand dollars (\$5,000.00), or so much thereof as may be necessary, for the purpose of constructing a state bridge of iron or steel over and across the Grand river, about six miles above the town of Dotsero, in Eagle County, Colorado, the exact location and the material used to be determined by the commission mentioned in section 2 hereof; Provided, In case there shall be no money in said funds to meet said appropriation, or any part thereof, at the time of payment for said work, the state treasurer is hereby authorized and directed to pay the warrants drawn by the auditor of state for the amount herein appropriated with valid state warrants, invested in either or both of said funds; said warrants to be received by the contractor of said work at par, with accrued interest thereon, in full payment of the contract price of said work, or any part thereof, for the payment of which there may be no money in said funds or either of them.

If no funds
treasurer draw
warrants.

Sec. 2. The governor and the state engineer of this State, with the chairman of the board of county commissioners of Eagle County, shall be and hereby are made a board for the locating and construction of said bridge; and it is made the duty of said board, as soon as this act takes effect, to advertise for plans and specifications for the construction of said bridge.

Board composed
of.

Board advertise
for plans and
specifications.

Sec. 3. Upon the adoption of plans and specifications for the construction of a wagon bridge, as aforesaid, it shall be the duty of said board to advertise for bids in accordance therewith, and thereupon let the contract to the lowest bidder; Provided, That if the board shall determine, after due examination and survey, that the bridge provided for in this act can not be constructed with the amount of money herein appropriated, then no part of said appropriation shall be expended, unless the board of county commissioners of Eagle county, or other responsible parties, shall agree to furnish the amount required in excess of this appropriation, and shall furnish

Board advertise
for bids.

If appropriation
insufficient.

to this commission or board satisfactory evidence that such excess money will be forthcoming on demand by said commission or board at the completion and acceptance of the work.

Public highway.

Sec. 4. Such bridge, when constructed, shall be a public highway, and free to the use of all persons; and it shall be the duty of the county commissioners of said county to maintain and keep the same in repair.

Kept in repair by.

Auditor draw warrants.

Sec. 5. Upon the completion of said bridge, on notice from the commissioners, it shall be the duty of the auditor of state to draw warrants for the amount appropriated by section 1 of this act, or so much thereof as may be necessary, for the purpose of paying the amount due on said contract.

If no funds treasurer draw warrants.

Sec. 6. In case there be no money in said fund or funds to meet the said appropriation, or any part thereof, at the time of payment for said work or any part thereof, the state treasurer is hereby authorized and directed to pay the warrants drawn by the auditor of State, for the amount herein appropriated, with valid state warrants invested in said fund or funds, and said warrants so invested shall be received by any and all contractors of said work at par, with accrued interest thereon, in full payment of the contract price of said work, or any portion thereof, for the payment of which there may be no money in said fund or funds.

Emergency.

Sec. 7. Whereas, In the opinion of the General Assembly an emergency exists; therefore, this act shall be in force and take effect from and after its passage.

Approved April 28, 1899.

CHAPTER 10.

APPROPRIATION—BRIDGE, GUNNISON RIVER.

(H. B. No. 45, by Mr. Smith, of Mesa.)

AN ACT

TO CONSTRUCT A BRIDGE ACROSS THE GUNNISON RIVER IN MESA COUNTY NEAR AND ABOVE THE STATION OF WHITEWATER AND APPROPRIATING MONEY FOR THE PAYMENT OF THE SAME.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. There is hereby appropriated out of any Appropriation. money in the State treasury belonging to the internal improvement, permanent or income funds, the sum of six thousand (\$6,000) dollars, or so much thereof as may be necessary, for the purpose of constructing a state wagon bridge across the Gunnison river, in Mesa county, above the town of Whitewater. The exact location of such bridge shall be determined by the commission mentioned in the succeeding section.

Sec. 2. The Governor and the State Engineer of Board composed this State, with the chairman of the board of county of. Commissioners of Mesa County, shall be and are hereby made a board for the purpose of locating and constructing such bridge.

Sec. 3. The governor and the state engineer of this. State, with the chairman of the board of County Com- missioners of Mesa County, shall be and are hereby made a board for the purpose of locating and constructing such bridge. It is hereby made the duty of said board, as Board advertise soon as this act takes effect, to advertise for and secure for plans and plans and specifications for the construction of said specifications. bridge.

Board advertise
for bids.

If appropriation
insufficient.

Sec. 4. Upon the adoption of proper plans and specifications for a wagon bridge, as aforesaid, it shall be the duty of such board to advertise for bids in accordance therewith, and thereupon they shall let the contract to the lowest bidder; Provided, That if the board shall determine after examination and survey, that the bridge provided for in this act can not be constructed with the amount of money herein appropriated, then in such case no part of such appropriation shall be expended except so much thereof as may be necessary to defray the expenses which may have been incurred by the board in making the necessary examinations and surveys, unless the board of county commissioners of said Mesa county, or other responsible parties, shall agree to furnish the amount required in excess of this appropriation, and shall furnish to the commissioners herein established satisfactory evidence that such money will be forthcoming on demand of such commissioners on the completion of said bridge.

Public highway.

Sec. 5. Said bridge, when constructed, shall be a public highway and free to the use of all persons.

Kept in repair
by.

Sec. 6. When constructed, it shall be the duty of the county of Mesa to keep said bridge in repair at its own expense.

Auditor draw
warrants.

Sec. 7. Upon the completion of said bridge according to contract, the auditor of State is hereby authorized to draw warrants for the amount appropriated by section 1 of this act, or so much thereof as may be necessary for the purpose of paying the amount due on said contract.

Balance
returned to
fund.

Sec. 8. In case the work shall not have been commenced during the years 1899 and 1900, or in the event of a balance remaining to the credit of said appropriation, the money so appropriated or the balance thereof, as the case may be, shall be covered back into the fund from which it was taken.

Approved April 29, 1899.

CHAPTER 11.

APPROPRIATION—BRIDGE, REPUBLICAN RIVER.

(H. B. No. 176, by Mr. Cannon.)

AN ACT

FOR THE CONSTRUCTION OF A BRIDGE ACROSS THE REPUBLICAN RIVER IN ARAPAHOE COUNTY ON THE EAST LINE OF RANGE FORTY-FOUR (44), AND TO APPROPRIATE MONEY FOR THE PAYMENT OF THE SAME.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. There is hereby appropriated out of any Appropriation. money in the State Treasury belonging to the internal improvement, permanent or income funds, the sum of twelve hundred dollars (\$1.200), or so much thereof as may be necessary for the purpose of constructing a State bridge across the Republican river in Arapahoe County, on the East line of Range forty-four (44). The exact location of said bridge shall be determined by the commissioners mentioned in the second section of this act.

Sec. 2. The State Engineer of this State with the Board composed Chairman of the board of County Commissioners of of. Arapahoe county, shall be and hereby are made a board for the purpose of locating and constructing such bridge.

Sec. 3. It is hereby made the duty of said board as Board advertise soon as this act takes effect, to advertise for and secure for plans and plans and specifications for the construction of said specifications. bridge.

Sec. 4. Upon the adoption of proper plans and speci- Board advertise fications for the construction of a wagon bridge as afore- for bids. said, it shall be the duty of said board to advertise for bids, in accordance therewith, and thereupon they shall let the contract to the lowest responsible bidder. And it

Contractor
furnish bond.

is further provided, That said board shall require a good and sufficient bond from the party or parties constructing the same, in the sum of three thousand (3,000) dollars, for the completion of the work in accordance with the contract.

Public highway.

Sec. 5. Such State bridge when constructed shall be a public highway and free to the use of all persons.

Kept in repair
by.

Sec. 6. When constructed it shall be the duty of the county of Arapahoe to keep such bridge in repair at its own expense.

Auditor draw
warrant.

Sec. 7. Upon the completion of said bridge, according to contract, the auditor of state is hereby authorized to draw warrant for the amount appropriated by section one (1) of this act, or so much thereof as may be necessary for the purpose of paying the amount due on said contract.

Emergency.

Sec. 8. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 27, 1899.

CHAPTER 12.

APPROPRIATION—BRIDGE, ROARING FORK RIVER.

(S. B. No. 133, by Senator Wheeler.)

AN ACT

ENTITLED "AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A STATE BRIDGE ACROSS THE ROARING FORK RIVER IN PITKIN COUNTY AT OR NEAR THE TOWN OF BASALT AND TO PROVIDE MONEY FOR THE PAYMENT OF THE SAME."

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. There is hereby appropriated out of any money in the State Treasury belonging to the Internal Improvement permanent fund, or the Internal Improve-

ment Income Fund, or out of any money which may hereafter be credited to said fund or funds, and not otherwise appropriated, the sum of two thousand five hundred dollars or so much thereof as may be necessary for the purpose of constructing a State bridge across the Roaring Fork river in Pitkin County, at or near the town of Basalt. The exact location of such bridge shall be determined by the commission mentioned in Section 2 of this act.

Sec. 2. The State Engineer and the chairman of the Board of County Commissioners of Pitkin County shall be and are hereby made a Board for the purpose of locating and constructing said bridge. Board composed of.

Sec. 3. It is hereby made the duty of said board, as soon as this act takes effect, to advertise for and secure plans and specifications for the construction of such bridge. Board advertise for plans and specifications.

Sec. 4. Upon the adoption of proper plans and specifications for the construction of a wagon bridge as aforesaid, it shall be the duty of said board to advertise for bids in accordance therewith, and thereupon they shall let the contract to the lowest responsible bidder: Board advertise for bids.

Provided, That if, on making survey and estimate of the cost of the construction of said bridge, the amount herein appropriated is not sufficient to complete said bridge, then no part of such appropriation shall be used unless the Board of County Commissioners or other responsible parties in said Pitkin County, shall agree to furnish the amount required in excess of this appropriation and shall furnish to said board satisfactory evidence that such money shall be forthcoming on demand to such Board or of the contractor or contractors on completion of such bridge. If appropriation insufficient.

Provided, further, that said Board shall require good and sufficient bonds from the party or parties contracting in the aggregate sum of six thousand dollars for the completion of the work in accordance with the contract or contracts. Contractor furnish bond.

Public highway. Sec. 5. Such State Bridge when constructed shall be a public highway and free to the use of all persons.

Kept in repair by. Sec. 6. When constructed it shall be the duty of the County of Pitkin to keep such bridge in repair at its own expense.

Auditor draw warrants. Sec. 7. Upon the completion of said bridge according to the contract the Auditor of State is hereby authorized to draw warrants for the amount provided by Sec. 1 of this Act, or so much thereof as may be necessary for the purpose of paying the amount due on said contract.

If no funds, treasurer draw warrants. Sec. 8. In case there be no money in said fund or funds to meet the said appropriation, or any part thereof, the State Treasurer is hereby authorized and directed to pay the warrants drawn by the Auditor of State for the amount herein appropriated, with valid State warrants invested in said fund or funds, and said warrants so invested shall be received by any and all contractors of said work at par, with accrued interest thereon, in full payment of the contract price of said work, or any portion thereof, for the payment of which there may be no money in said fund or funds.

Emergency. Sec. 9. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 22, 1899.

CHAPTER 13.

APPROPRIATION—BRIDGE, SNAKE RIVER.

(H. B. No. 131, by Mr. Jefferson.)

AN ACT

TO PROVIDE FOR THE CONSTRUCTION OF A WAGON BRIDGE
ACROSS THE SNAKE RIVER IN ROUTT COUNTY, AT
THOMPSON'S RANCH, AND TO APPROPRIATE MONEY FOR
THE PAYMENT OF THE SAME.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. There is hereby appropriated out of any Appropriation. money in the State Treasury belonging to the Internal Improvement Income Fund the sum of three thousand (\$3000) dollars, or so much thereof as may be necessary for the purpose of constructing a state wagon bridge across Snake River in Routt County at Thompson's Ranch. The exact location of such bridge shall be determined by the commission mentioned in Section 2 of this act.

Sec. 2. The Governor and State Engineer of this Board composed State and the Chairman of the board of County Commis-^{of} sioners of Routt County shall be and are hereby constituted a board for the purpose of locating and constructing the said bridge.

Sec. 3. It is hereby made the duty of said board, as Board advertise soon as this act takes effect, to advertise for and secure for plans and specifications. plans and specifications for the construction of said bridge.

Sec. 4. Upon the adoption of proper plans and speci- Board advertise fications for the construction of said bridge, it shall be for bids. the duty of said board to advertise for the construction of the same according to the plans and specifications afore-

If appropriation insufficient. said, and thereupon they shall let the contract for said construction to the lowest responsible bidder; Provided, that if said board shall determine, after examination and survey, that the bridge provided for in this act cannot be constructed with the amount of money hereby appropriated, then, in such case, no part of said appropriation shall be expended, except so much thereof as may be necessary to defray the expenses which may have been incurred by the board in making the necessary examinations and surveys aforesaid.

Public highway. Sec. 5. Said bridge, when constructed, shall be a public highway and free to the use of all persons.

Kept in repair by. Sec. 6. It shall be the duty of the county of Routt to keep said bridge in repair at the expense of said county, when the same shall have been constructed.

Auditor draw warrants. Sec. 7. When the said bridge shall be completed according to contract, the auditor of the State of Colorado is hereby authorized to draw warrants for the amount appropriated by section 1. of this act, or so much thereof as may be necessary for the purpose of paying the amount due on said contract.

Emergency. Sec. 8. In the opinion of the General Assembly, an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 27, 1899.

CHAPTER 14.

APPROPRIATION—BRIDGE, SOUTH PLATTE RIVER.

(S. B. No. 161, by Senator Hill.)

AN ACT

TO PROVIDE FOR THE CONSTRUCTION OF A STATE BRIDGE ACROSS THE SOUTH PLATTE RIVER, IN MORGAN COUNTY, COLORADO, AT OR NEAR THE POST OFFICE OF DEUEL; AND TO APPROPRIATE MONEY FOR THE PAYMENT OF SAME.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. There is hereby appropriated out of any ^{Appropriation.} money in the state treasury, belonging to the internal improvement permanent fund, and the internal improvement income fund or any moneys which may hereafter be credited to either or both of said funds, the sum of three thousand dollars, (\$3,000) or so much thereof as may be necessary, for the purpose of constructing a state bridge, across the South Platte river in Morgan County, Colorado, at or within two miles of the Post Office of Deuel; the exact location of such bridge shall be determined by the commission mentioned in section two (2) of this act.

Sec. 2. The governor, the state engineer and the ^{Board composed} chairman of the board of county commissioners of Mor- of. gan county, shall be and hereby are made a board, for the purpose of locating and constructing such bridge.

Sec. 3. It is hereby made the duty of said board, as ^{Board advertise} soon as this act takes effect, to advertise for and secure ^{for plans and} plans and specifications, for the construction of such ^{specifications.} bridge.

Board advertise
for bids.

Sec. 4. Upon the adoption of proper plans and specifications, for the construction of a wagon bridge as aforesaid, it shall be the duty of such board to advertise for bids, in accordance therewith, and thereupon they shall let the contract thereof [therefor] to the lowest responsible bidder.

Public highway.

Sec. 5. Such state bridge, when constructed shall be a public highway, and free to the use of all persons.

Kept in repair
by.

Sec. 6. When constructed, it shall be the duty of the county of Morgan to keep such bridge in repair at its own expense.

Auditor draw
warrants.

Sec. 7. Upon the completion of said bridge according to contract, the auditor of state is hereby authorized and directed to draw warrants for the amount appropriated by section one (1) of this act, or so much thereof as may be necessary, for the purpose of paying the amount due on said contract.

If no funds,
treasurer draw
warrants.

Sec. 8. In case there be no money in said fund or funds to meet the said appropriation, or any part thereof, the state treasurer is hereby authorized and directed to pay the warrants drawn by the auditor of state, for the amount herein appropriated, with valid state warrants invested in said fund or funds, and said warrants so invested shall be received by said contractor at par with accrued interest thereon, in full payment of the contract price of said work or any portion thereof, for the payment of which there may be no money in said fund or funds.

Emergency.

Sec. 9. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force, from and after its passage.

Approved April 27, 1899.

CHAPTER 15.

APPROPRIATION—BRIDGE, WHITE RIVER.

(H. B. No. 144, by Mr. Jefferson.)

AN ACT

TO PROVIDE FOR THE CONSTRUCTION OF A WAGON BRIDGE ACROSS THE WHITE RIVER IN RIO BLANCO COUNTY TEN MILES BELOW THE TOWN OF MEEKER, AT THE MOUTH OF PICEANCE CREEK AT HAY'S RANCH, AND TO APPROPRIATE MONEY FOR THE PAYMENT OF THE SAME.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. There is hereby appropriated out of any money in the State Treasury belonging to the internal improvement income fund the sum of two thousand dollars, or so much thereof as may be necessary for the purpose of constructing a State wagon bridge across White river in the County of Rio Blanco at a point ten miles below the town of Meeker, at the mouth of Piceance creek at Hay's ranch. The exact location of such bridge shall be determined by the Commission mentioned in section 2 of this act. Appropriation.

Sec. 2. The Governor and State Engineer of this State, and the Chairman of the board of County Commissioners of Rio Blanco County shall be and are hereby constituted a board for the purpose of location and constructing the said bridge. Board composed of.

Sec. 3. It is hereby made the duty of the said board as soon as this act takes effect to advertise for and secure plans and specifications for the construction of said bridge. Board advertise for plans and specifications.

Sec. 4. Upon the adoption of proper plans and specifications for the construction of said bridge it shall be

Board advertise
for bids.

If appropriation
insufficient.

Public highway.

Kept in repair
by.

Auditor draw
warrants.

Emergency.

the duty of said board to advertise for the construction of the same according to the plans and specifications aforesaid, and thereupon they shall let the contract for the said construction to the lowest responsible bidder; Provided, That if said board shall determine after examination and survey that the bridge provided for in the act cannot be constructed with the amount of money hereby appropriated, then in such case no part of said appropriation shall be expended except so much thereof as may be necessary to defray the expenses which may have been incurred by the board in making the necessary examinations and surveys aforesaid.

Sec. 5. Said bridge when constructed shall be a public highway and free to the use of all persons.

Sec. 6. It shall be the duty of the County of Rio Blanco to keep said bridge in repair at the expense of said County, when the same shall have been constructed.

Sec. 7. When said bridge shall be completed according to contract, the auditor of the State of Colorado is hereby authorized to draw warrants for the amount appropriated by Sec. 1 of this act, or so much thereof as may be necessary for the purpose of paying the amount due on said contract.

Sec. 8. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 27, 1899.

CHAPTER 16.

APPROPRIATION—BUILDING AT SCHOOL OF MINES.

(H. B. No. 206, by Mr. Smith, of Jefferson.)

AN ACT

MAKING AN APPROPRIATION FOR THE ERECTION OF AN ADDITIONAL BUILDING AT THE STATE SCHOOL OF MINES AT GOLDEN; TO PROVIDE A SUITABLE SITE FOR THE SAME, AND FOR PROPER HEATING AND HYGIENIC APPLIANCES FOR THE SAID INSTITUTION, AND TO PAY ITS INDEBTEDNESS.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. There is hereby appropriated out of any funds in the Treasury not otherwise appropriated, from the revenues for the fiscal years of 1899 and 1900, the sum of forty thousand dollars (\$40,000) for the erection of an additional building at the State School of Mines at Golden, such building to be known as the Hall of Metallurgy, and to provide a suitable site for the same and proper heating and hygienic appliances for the said building and for the other buildings of the said institution.

Sec. 2. There is further appropriated out of any funds in the Treasury not otherwise appropriated, the revenues for the fiscal years of 1899 and 1900, the sum of twenty thousand dollars (\$20,000) to liquidate the present indebtedness of the said School of Mines.

Sec. 3. Whereas, in the opinion of the general assembly, an emergency exists; therefore, this act shall take effect from and after its passage.

Approved April 19, 1899.

CHAPTER 17.

APPROPRIATION—W. R. CALLICOTTE.

(H. B. No. 86, by Mr. Judkins.)

AN ACT

FOR THE RELIEF OF W. R. CALLICOTTE, AND APPROPRIATING
MONEY THEREFOR.*Be it Enacted by the General Assembly of the State of Colorado :*

Appropriation.

Section 1. That the sum of five hundred dollars (\$500) is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of paying W. R. Callicotte the balance due him for salary and expenses while State Fish Commissioner and Game Warden.

Emergency.

Sec. 2. In the opinion of the General Assembly an emergency exists; therefore, this act shall be in full force & effect from and after its passage.

Approved April 24, 1899.

CHAPTER 18.

APPROPRIATION—CAPITOL.

(S. B. No. 420, by Senator Maxwell.)

AN ACT

MAKING APPROPRIATIONS FOR THE MAINTENANCE AND SUPPORT OF THE STATE CAPITOL BUILDING AND GROUNDS OF THE STATE OF COLORADO FOR THE YEARS 1899 AND 1900, AND FOR REPLACING OLD FURNITURE AND CARPETS AND SUPPLYING NEW FURNITURE IN THE DIFFERENT DEPARTMENTS OF THE CAPITOL BUILDING WHERE REQUIRED.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. For the maintenance and support of the State Capitol building and grounds of the State of Colorado, for the furnishing of heat, light, water, telephone service, necessary supplies for Legislature and State offices, engine and boiler supplies, repairs, office expenses, watchmen, engineers, firemen, elevator pilots, janitors, janitor's supplies, laborers on grounds, ground supplies, etc., for the years of 1899 and 1900, there is hereby appropriated out of the Capitol Building Fund the sum of sixty-four thousand three hundred dollars (\$64,300), or so much thereof as may be necessary. Appropriation.

Sec. 2. For the purpose of replacing old furniture and carpets and supplying new furniture where required in the different departments, there is hereby appropriated out of the Capitol Building Fund the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary. Appropriation, furniture and carpets.

Sec. 3. The Auditor of State is hereby authorized and directed to issue certificates of indebtedness for all claims duly audited and certified by the Board of Capitol Auditor issue certificates of indebtedness.

Pledge credit of
state.

Managers for material furnished and labor performed, where there are no funds in the treasury at the time of the issuance thereof, to meet the same, said certificates of indebtedness to be payable out of the Capitol building fund and out of the moneys appropriated for the maintenance and support of said Capitol building and grounds. The faith and credit of the State of Colorado is hereby pledged for the payment of interest and principal of this indebtedness; and it is further provided, that the said certificates of indebtedness shall be presented to the State Treasurer, who shall thereupon countersign and indorse the same as bearing interest at the rate of six per cent. (6 per cent.) per annum, payable semi-annually, from the date of presentation to the date of payment thereof; but in no event shall the certificates be in excess of the appropriations made for the maintenance.

Emergency.

Sec. 4. In the opinion of the General Assembly an emergency exists; therefor (therefore) this Act shall take effect and be in force from and after its passage.

Approved April 13, 1899.

CHAPTER 19.

APPROPRIATION—CAPITOL GROUNDS.

(S. B. No. 14, by Senator Parks.)

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF THE ASSESSMENT AGAINST THE STATE CAPITOL GROUNDS FOR PAVING COLFAX AVENUE AND BROADWAY.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. That the sum of seven thousand five hundred seventy dollars and seventy-five cents is hereby appropriated out of any moneys to the credit of the Capi-

tol Building Fund, not otherwise appropriated, for the purpose of paying the said amount assessed against the state capitol grounds for the paving of Broadway and Colfax Avenue; said assessment being divided as follows, to-wit: For Broadway paving district No. 2, three thousand seven hundred eighty-five dollars and thirty-five cents (\$3,785.35); In Colfax Avenue paving district No. 1, three thousand seven hundred and eighty-five dollars and forty cents (\$3,785.40).

Sec. 2. In the opinion of the General Assembly an **Emergency.** emergency exists; therefore, this act shall take effect from and after its passage.

Approved April 27, 1899.

CHAPTER 20.

APPROPRIATION—CAPITOL GROUNDS IMPROVEMENT.

(S. B. No. 309, by Senator Thomas.)

AN ACT

PROVIDING FOR THE IMPROVEMENT OF PART OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 68 WEST P. M., AND THE STATE CAPITOL GROUNDS, BELONGING TO THE STATE OF COLORADO, AND MAKING AN APPROPRIATION FOR THE PAYMENT OF THE SAME.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated out of the **Appropriation.** money in the state treasury belonging to the internal improvement fund, the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary for the grading, curbing and paving of Colfax avenue, a street running on the south side of section 36, township 3, South, Range 68 west P. M.

Governor may
sign petition for
paving Colfax
avenue.

Sec. 2. The governor of the state of Colorado is hereby authorized and directed on behalf of the state, from time to time to subscribe any petition for grading, curbing, paving of Colfax avenue, a street running on the south side of section 36, township 3 south, range 68 west P. M., whenever any such petition or petitions may be presented, for such improvement, and the cost of such improvement is justly chargeable against such land, and when lawfully assessed, shall be paid out of the funds appropriated herein under such terms as the then existing law may impose on adjoining or adjacent property owners.

Sec. 3. (Vetoed by Governor. See foot note.)

Governor sign
petition for
paving.

Sec. 4. The governor of the state of Colorado is hereby authorized and directed on behalf of the state from time to time to subscribe any petitions for grading, curbing and paving of Grant avenue and Fourteenth avenue, being avenues running along the east and south sides of the state capitol building site, in the city of Denver, whenever any such petition or petitions may be presented for such improvement, and the cost of such improvement is justly chargeable against said capitol grounds, when lawfully assessed, shall be paid under such terms as the then existing law may impose on the property on the opposite side of said avenues.

Sections 1, 2 and 4 approved April 27, 1899.

VETO—SENATE BILL No. 309.

Senate Bill No. 309 provides for the improvement of part of Section 36, Township 3, South, Range 68 West, and the State Capitol grounds, belonging to the State of Colorado, and making an appropriation for the payment of the same. Section 3 of said act provides that the annual rentals derived from the southwest quarter of the southeast quarter of Section 36, Township 3 South, Range 68 West, is hereby appropriated to meet the improvement aforesaid, and the Treasurer is directed to pay the rentals from said lands toward liquidating the expenses of said improvement during the years in which payment is required.

This is an attempt to appropriate a part of the school fund to a purpose entirely foreign to that for which it was created. Section 3 Article 9 of the Constitution declares that the public school fund shall forever remain inviolate and intact. No part of same, principal or interest shall ever be transferred to any other fund or used or appropriated except as therein provided.

The annual rentals from school lands constitute a part of the school fund that can not be diverted to the payment of paving or other improvements, and I therefore disapprove section 3 of said bill, the same appearing as a separate item in an appropriation bill. The other parts thereof, to-wit, Sections 1, 2 and 4 will be approved.

CHAPTER 21.

APPROPRIATION—CAPITOL, PART.

(S. B. No. 170, by Senator Seldomridge.)

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF A PART OF
THE EXPENSES FOR THE MAINTENANCE AND SUPPORT
OF THE CAPITOL BUILDING AND GROUNDS.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. There is hereby appropriated out of any Appropriation. funds in what is known and styled as the "Capitol Building Fund" and not otherwise appropriated, the sum of thirteen thousand (13,000) dollars to pay a part of the expenses for the maintenance and support of the State Capitol Building and Grounds of the State of Colorado. The certificates of indebtedness, issued in payment thereof, shall bear interest at the rate of six per cent (6 per cent), per annum, payable semi-annually.

Sec. 2. In the opinion of the General Assembly an Emergency. emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved February 21, 1899.

CHAPTER 22.

APPROPRIATION—CERTIFICATES INDEBTEDNESS.

(S. B. No. 396, by Senator Wheeler.)

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF CERTAIN CERTIFICATES OF INDEBTEDNESS ISSUED BY THE STATE OF COLORADO IN 1888 AND 1889, AND APPROPRIATING THE SUM OF THREE THOUSAND DOLLARS, OR SO MUCH THEREOF AS MAY BE NECESSARY, FOR THE PAYMENT OF THE SAME.

Be it Enacted by the General Assembly of the State of Colorado :

Certificates of
indebtedness.

Whereas, the State of Colorado, by its proper officers, in the years 1888 and 1889, issued certain certificates of indebtedness numbered as follows, to wit: No. 2245, No. 2269, No. 2284, No. 2294, No. 2308, No. 2315, No. 2324, No. 2337, No. 2340, No. 2348, No. 2359 and No. 2362, each for the sum of One hundred and Twenty five dollars, bearing interest at the rate of six per cent. per annum and being for the salary of L. S. Jones, Assistant Inspector of Coal Mines; and whereas, no provision has ever been made for the payment of said certificates of indebtedness.

Appropriation.

Section 1. There is hereby appropriated out of any money in the State Treasury remaining from the general revenues of 1899 and 1900, and previous and subsequent years, in case there are no available funds for the years 1899 and 1900, and not otherwise appropriated, the sum of three thousand dollars, or so much thereof as may be necessary, to pay with accrued interest certificates of indebtedness Nos. 2245, 2269, 2284, 2294, 2308, 2315, 2324, 2337, 2340, 2348, 2359 and 2362, issued during the years

of 1888 and 1889 for the salary of L. S. Jones, Assistant Coal Mine Inspector.

Sec. 2. The State Auditor is hereby authorized and directed on the presentation and surrender for cancellation of the certificates of indebtedness mentioned in section one of this act, to draw his warrant on the Treasurer of the State for the same, or any of them, with accrued interest. Auditor draw warrants.

Approved April 19, 1899.

CHAPTER 23.

APPROPRIATION—CERTIFICATE INDEBTEDNESS NO. 2413.

(S. B. No. 10, by Senator Stewart.)

AN ACT

TO APPROPRIATE MONEY FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF CERTIFICATE OF INDEBTEDNESS NO. 2413, DATED SEPTEMBER 9TH, 1891.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That the sum of \$555.00, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State treasury, of the revenues of 1899 and 1900 of any fiscal year, not otherwise appropriated, for the payment of certificate of Indebtedness No. 2413, dated September 9, 1891, and upon presentation of said certificate, the auditor of State is hereby authorized and directed to draw a warrant for the payment thereof. Appropriation. Auditor draw warrant.

Approved April 18, 1899.

CHAPTER 24.

APPROPRIATION—W. C. CHAPMAN.

(H. B. No. 370, by Mr. Burwell.)

AN ACT

FOR THE RELIEF OF W. C. CHAPMAN AND APPROPRIATING
MONEY THEREFOR.*Be it Enacted by the General Assembly of the State of Colorado :*

Appropriation.

Section 1. That the sum of five hundred and fifty dollars (\$550) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying W. C. Chapman for balance due him on account of material furnished and services rendered the La Plata County Fish Hatchery in the year 1893 and 1894 and 1895.

Emergency.

Sec. 2. In the opinion of the General Assembly an emergency exists; therefore this act shall be in full force and effect from and after its passage.

Approved April 28, 1899.

CHAPTER 25.

APPROPRIATION—COLORADO VOLUNTEERS—CIVIL WAR.

(S. B. No. 29, by Senator McCreery.)

AN ACT

TO ABSTRACT, CORRECT, REVISE AND PUBLISH IN BOOK FORM
ALL RECORDS PERTAINING TO COLORADO VOLUNTEERS
IN THE CIVIL WAR.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. The adjutant general of the State shall, Adjutant general publish records. as soon as practicable after the passage of this Act, under the direction of the state military board, abstract, correct, revise and publish in book form all records pertaining to Colorado Volunteers in the civil war, 1861-5, said records so abstracted, corrected, revised and published, to contain the names of all officers and soldiers who served in the war of the rebellion from the State of Colorado, with the residence, date of commissions and enlistments as far as possible, company, and regiment, rank, promotions, grades and positions, date of discharge or death, with such other facts as shall make the same a complete and concise military record of each officer and soldier who so served.

Sec. 2. Two thousand copies of said records shall be published, the adjutant general to solicit bids therefor Solicit bids for 2,000 copies. from such printing establishments in Colorado as he may deem competent to handle the work, in the usual manner, reserving the right to reject any or all bids. These books shall be distributed as follows:

One (1) copy to each city and town in the state. How distributed.
One (1) copy to each public library in the state.

One (1) copy to each post of the Grand Army of the Republic in the state.

One (1) copy to each member of this General Assembly.

Twenty (20) copies to the State Historical Society.

The remainder shall be placed in the custody of the secretary of state, who is hereby authorized to exchange the same for similar publications of other states, and to dispose of the remainder at one dollar and a half each.

Chief clerk.

Sec. 3. For the purpose of having the provisions of this Act prosecuted competently a chief clerk shall be appointed by the state military board whose duty it shall be to collect the necessary data to be abstracted, corrected, revised and published as aforesaid. There shall also be one additional clerk appointed to be under the immediate control of the adjutant general and chief clerk, whose duties shall be to assist said chief clerk in this department of abstracting, correcting, revising and publishing the records above mentioned. The salaries of these clerks shall be, chief clerk, ninety dollars (\$90.00), and one additional clerk, seventy five dollars (\$75.00) per month, their salaries payable monthly until the completion of said work, upon voucher duly signed by the adjutant general and approved by the Governor, out of the military poll fund.

One assistant.

Salaries.

Appropriation.

Sec. 4. There is hereby appropriated out of the general fund in the state treasury two thousand five hundred dollars (\$2500.00), or so much thereof as may be necessary, to carry out the provisions of this act.

Emergency.

Sec. 5. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 4, 1899.

CHAPTER 26.

APPROPRIATION—COLORADO VOLUNTEERS—SPANISH-AMERICAN WAR.

(S. B. No. 80, by Senator McCreery.)

AN ACT.

TO ABSTRACT, CORRECT, REVISE AND PUBLISH IN BOOK FORM
ALL RECORDS PERTAINING TO COLORADO VOLUNTEERS
IN THE SPANISH-AMERICAN WAR.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. The Adjutant General of the state shall, Adjutant general publish records.
as soon as practicable after their muster out of service
of the United States, under the direction of the state
military board, proceed to abstract, correct, revise and
publish all records in book form pertaining to Colorado
Volunteers in the Spanish-American war from the state
of Colorado, said records so abstracted, corrected, re-
vised and published to contain the names of all officers
and soldiers who served therein, with the residence, date
of commission or enlistment as far as possible, company
and regiment, rank, promotions, grades and positions,
date of death or discharge, with such other facts as shall
make the same a complete and concise military record
of each officer and soldier who so served.

Sec. 2. Two thousand copies of said records shall Solicit bids for 2,000 copies.
be published, the Adjutant General to solicit bids there-
for from such printing establishments in Colorado as he
may deem competent to handle the work in the usual
manner, reserving the right to reject any or all bids.
These books shall be distributed as follows:

One (1) copy to each city and town in the state.	<small>How distributed.</small>
One (1) copy to each public library in the state.	

One (1) copy to each Post of the Grand Army of the Republic in the state.

One (1) copy to each member of this general assembly.

Twenty (20) copies to the State Historical Society.

The remainder shall be placed in the custody of the Secretary of State, who is hereby authorized to exchange the same for similar publications of other states and to dispose of the remainder at one dollar and a half each.

Clerks.

Sec. 3. The necessary work to be done for carrying out the provisions of this act shall be done under the direction of the Adjutant General, and with the assistance of the clerks authorized to be employed under the provisions of "An Act to abstract, correct, revise and publish in book form all records pertaining to Colorado volunteers in the civil war."

Appropriation.

Sec. 4. There is hereby appropriated out of the general fund in the state treasury two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary, to carry out the provisions of this act.

Approved April 6, 1899.

CHAPTER 27.

APPROPRIATION—CYCLE PATH.

(S. B. No. 408, by Senator Ammons.)

AN ACT

FOR AN APPROPRIATION TO CONSTRUCT A CYCLE PATH FROM
LITTLETON TO PALMER LAKE.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. The sum of five thousand dollars is hereby appropriated out of any moneys in the internal improvement permanent fund or the internal improve-

ment income fund, or any moneys which may come into said funds, and not otherwise appropriated, for the purpose of constructing a state cycle path upon the following described route as near as practicable, to wit: Commencing at the town of Littleton, in the county of Arapahoe, to the town of Palmer Lake in El Paso County.

Sec. 2. Said cycle path shall be built over the most practicable route between the points named in section 1 of this act and upon the best practicable grade, and with a roadbed of not less than four feet. Roadbed not less than four feet.

Sec. 3. Said cycle path shall be constructed under the superintendence of a board consisting of the state engineer and three competent persons to be appointed by the governor of Colorado, said board to serve without compensation. Board composed of.

Sec. 4. The state auditor is hereby authorized and directed to draw his warrant on the state treasurer for the sum of five thousand dollars, or so much thereof as may be necessary, on certificate of a majority of said board that said cycle path has been constructed, for the payment of the expenses of constructing said cycle path. Auditor draw warrant.

Sec. 5. Said board shall make an estimate of the cost of said cycle path, and no part of the appropriation herein provided for shall be used, except so much thereof as shall be necessary to make a survey and estimate of cost of such cycle path, if in making such estimate it is found that the amount herein appropriated is not sufficient to complete said cycle path, unless the board of county commissioners of Arapahoe or Douglas county, or some club, association or persons guarantee, in a responsible manner, the amount required in excess of this appropriation, and shall furnish to the said board satisfactory evidence that such money shall be forthcoming on the demand of said board or contractor on completion of said cycle path. If appropriation insufficient.

Sec. 6. Said path when completed shall be a public highway for the use of persons riding bicycles, but shall not be used by persons riding horses or driving wagons. Public highway.

Not obstruct
public high-
ways.

Sec. 7 Said path may be constructed along any public highway or road, providing it be so constructed as not to interfere with its present use, or through private property; Provided, Where said cycle path crosses a public highway said path shall in no manner obstruct said public highway.

Kept in repair
by.

Sec. 8. When constructed, said path shall be kept in repair respectively by the counties of Arapahoe, Douglas and El Paso, each county to keep that portion of it in repair lying within its own boundaries.

Emergency.

Sec. 9. In the opinion of the General assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 22, 1899.

CHAPTER 28.

APPROPRIATION—DENVER OMNIBUS AND CAB CO.

(H. B. No. 385, by Mr. Estes.)

AN ACT

TO MAKE AN APPROPRIATION FOR THE PAYMENT TO THE DENVER OMNIBUS AND CAB COMPANY FOR THE USE OF HORSES FURNISHED TO THE STATE DURING THE LEADVILLE LABOR TROUBLES.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. There is hereby appropriated out of any money in the military poll or funding bond series 1897, funds not otherwise appropriated, the sum of twelve hundred dollars (\$1,200) for the purpose of paying the Denver Omnibus and Cab Company for the use of horses furnished to the state during the Leadville labor troubles, in the years 1896 and 1897. The auditor of state is hereby

authorized and directed to draw warrants in payment of said sum.

Sec. 2. In as much as this sum is justly due, and ^{Emergency.} should have been paid long since, in the opinion of the general assembly an emergency exists; and this bill shall take effect from and after its passage.

Approved April 13, 1899.

CHAPTER 29.

APPROPRIATION—P. P. EGAN.

(H. B. No. 518, by Mr. Jones.)

AN ACT

FOR THE RELIEF OF THE HEIRS OF P. P. EGAN, DECEASED.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That the sum of two hundred forty one ^{Appropriation.} and 93-100 dollars (\$241.93) be and the same is hereby appropriated out of any revenues in the State Treasury, of 1897 and 1898, not otherwise appropriated, for salary as State Boiler Inspector from April 1st to May 5th, 1893, both inclusive.

Approved April 20, 1899.

CHAPTER 30.

APPROPRIATION—FISH HATCHERY.

(H. B. No. 91, by Mr. Farris.)

AN ACT

TO PROVIDE FOR THE PURCHASE OF A SITE FOR THE ESTABLISHING AND MAINTAINING OF A BRANCH FISH HATCHERY IN THE COUNTY OF GRAND, STATE OF COLORADO, AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation. Section 1. That there be and is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of twenty-five hundred dollars (\$2,500) for the purpose of purchasing a site and erecting and maintaining a branch fish hatchery in the County of Grand, State of Colorado.

Cost of site and hatchery. Sec. 2. That the amount for purchasing a site and erecting said hatchery shall not cost exceeding fifteen hundred dollars (\$1,500), and the remaining amount appropriated in this bill shall be used in maintaining said hatchery.

Maintenance.

Site selected by. Sec. 3. The site for said hatchery in said County shall be selected by the State Fish Commissioner, with the approval of the Governor, and the State Fish Commissioner shall cause the same to be erected and established at the site so selected on or before the first day of August, 1899.

Hatchery erected by.

Approved April 14, 1899.

CHAPTER 31.

APPROPRIATION—PHILIP FELDHAUSER.

(H. B. No. 237, by Mr. Ballinger.)

AN ACT

FOR THE RELIEF OF PHILIP FELDHAUSER.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That the sum of two hundred and thirty Appropriation. six and 92-100 dollars be, and the same is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, to be paid Philip Feldhauser, of Denver, Colorado, on account of certain carpets purchased by the Board of Control of the State Industrial School on December 4th A. D. 1893; and the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer in favor of the said Philip Feldhauser for the sum of two hundred and thirty six and 92-100 dollars.

Sec. 2. Inasmuch as this claim should be liquidated Emergency. at once, therefore an emergency exists and this act shall take effect and be in force from and after its passage.

Approved April 13, 1899.

CHAPTER 32.

APPROPRIATION—LEGISLATIVE, EXECUTIVE AND JUDICIAL.

(H. B. No. 540, by Mr. Briscoe.)

AN ACT

TO PROVIDE FOR THE ORDINARY AND CONTINGENT EXPENSES OF THE EXECUTIVE, LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE STATE, FOR THE FISCAL YEARS 1899 AND 1900 AND TO CREATE A STATE AUDITING BOARD WITH CERTAIN DUTIES HEREIN PRESCRIBED WITH REFERENCE TO THE DISBURSEMENT OF THE CONTINGENT FUND.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation,
executive, legis-
lative and
judicial.

Section 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury, belonging to the general revenue fund, not otherwise appropriated, for the salaries and expenses of the executive, legislative and judicial departments of the state for the fiscal years 1899 and 1900, less the amount already paid from the appropriation of one hundred and three thousand three hundred and fifty-nine dollars and fifty-four cents (\$103,359.54), made by the Twelfth General Assembly and approved February 20th, 1899, to-wit:

		For the Fiscal Year ending Nov. 30, 1899	For the Fiscal Year ending Nov. 30, 1900	Total
Governor.	Governor's salary.....	5,000.	5,000	10,000.
	Private Secretary.....	1 500.	1 500.	3,000
	Clerk and Stenographer, salary	1,200.	1,200.	2,400
	Messenger, salary.....	900.	900.	1,800
Lieutenant gov- ernor.	Lieutenant Governor, salary.	1,000.	1,000.	2,000

	For the Fiscal Year ending Nov. 30, 1899	For the Fiscal Year ending Nov. 30, 1900	Total	
Secretary of State, salary...	3,000	3,000	6,000	Secretary of state.
Deputy Secretary of State, salary	2,500	2 500	5,000	
One Chief Clerk, salary...	1,500	1,500	3,000	
One Printing Clerk, salary	1,500	1 500	3,000	
Clerical Assistance, sala- ries	5,000	5,000	10,000	
Clerk and Stenographer, salary	1,200	1 200	2,400	
Secretary of State, office expenses	1,850	1 850	3,700	
Deputy Labor Commis- sioner, salary.....	1,800	1 800	3 600	
Expenses of Deputy Labor Commissioner	400	400	800	
Auditor of State, salary.....	2,500	2 500	5,000	Auditor.
Deputy, salary.....	2,500	2 500	5 000	
Book-keeper, salary.....	1,500	1 500	3 000	
Assistant Book-keeper and Voucher Clerk, salary...	1,200	1 200	2 400	
State Treasurer, salary.....	6,000	6,000	12,000	Treasurer.
Deputy, salary.....	2 500	2 500	5 000	
Book-keeper, salary.....	1 500	1 500	3,000	
Registry Clerk, salary.....	1 200	1 200	2 400	
Superintendent of Public In- struction, salary.....	3 000	3 000	6,000	Superintendent public instruction.
Assistant, salary.....	1 500	1 500	3,000	
Traveling Expenses.....	500	500	1,000	
Maintenance of State Li- brary	500	500	1,000	
Clerk and Stenographer, salary	1,000	1,000	2,000	
Assistant State Librarian, salary	1 000	1 000	2 000	
Attorney General, salary.....	3 000	3 000	6,000	Attorney general.
Deputy, salary.....	2 250	2 250	4 500	
Assistant Attorney General, salary	2 250	2 250	4 500	

		For the Fiscal Year ending Nov. 30, 1899	For the Fiscal Year ending Nov. 30, 1900	Total
	Clerk and Stenographer, salary	1 200	1 200	2 400
Supreme court.	Justices of the Supreme Court (3) salaries.....	15,000	15,000	30 000
	Clerk of Supreme Court, salary	3 500	3 500	7 000
	Deputy Clerk of Supreme Court, salary.....	1 500	1 500	3 000
	Supreme Court Reporter, salary	3 000	3 000	6 000
	Bailiff Supreme Court sal- ary	1 200	1 200	2 400
	Stenographers (3), salaries.	3 000	3 000	6 000
Court of appeals.	Judges Court of Appeals (3) salaries	15 000	15 000	30 000
	Clerk of Court, salary.....	3 000	3 000	6 000
	Bailiff of Court, salary....	1 200	1 200	2 400
	Stenographers (3), salaries.	3 000	3 000	6 000
District judges.	District Judges (19) salaries..	76,000	76,000	152,000
District attorneys.	District Attorneys (13) sala- ries	10,400	10,400	20,800
State engineer.	State Engineer, salary.....	3 000	3 000	6 000
	Assistants, salaries.....	2 500	2 500	5 000
Inspector of coal mines.	Inspector of Coal Mines, sal- ary	2 000	2 000	4 000
	Deputy Inspector, salary...	1 500	1 500	3 000
	Clerk of Inspector of Coal Mines and Boiler Inspec- tor, salary.....	900	900	1 800
	Deputy and Inspector's traveling expenses.....	1 000	1 000	2 000
Veterinary surgeon.	State Veterinary Surgeon, sal- ary	1 500	1 500	3 000
Veterinary board.	State Veterinary Sanitary Board, expenses.....	750	750	1 500
Board of arbi- tration.	State Board of Arbitration Members (2) salary.....	1 000	1 000	2 000

	For the Fiscal Year ending Nov. 30, 1899	For the Fiscal Year ending Nov. 30, 1900	Total	
Secretary, salary.....	1 200	1 200	2 400	
Traveling expenses, Board and Secretary.....	250	250	500	
Register State Board of Land				Land board.
Commissioners salary.....	2 000	2 000	4 000	
Deputy Register, salary....	1 500	1 500	3 000	
Appraiser, salary.....	1 500	1 500	3 000	
Chief Clerk, salary.....	1 200	1 200	2 400	
Lease Clerk, salary.....	\$1,200.	\$1,200.	\$2,400.	
Stenographer, Salary.....	1,000	1,000	2,000.	
Commissioner of Mines, Salary	2,500	2,500	5,000.	Bureau of mines.
Mine Inspectors (2), Sala- ries	3,000	3,000	6,000.	
Stenographer and Clerk, Salary	1,000	1,000	2,000.	
Traveling expenses, Com- missioner	500.	500.	1,000.	
Traveling expenses, Inspec- tors	1,500	1,500	3,000.	
State Board of Charities and Corrections.				Board of chari- ties and correc- tions.
Secretary's Salary.....	1,500	1,500	3,000.	
Traveling expenses, Secre- tary and Board.....	500	500	1,000.	
Stenographer, Salary.....	1,000	1,000	2,000.	
(The Secretary and Sten- ographer of the Board of Charities and Corrections shall act as Secretary and Stenographer of the State Board of Pardons with- out extra compensation.)				
Traveling expenses, State Board of Pardons.....	50	50	100.	Board of pardons.
For expenses of the State Board Law Examiners.....	300.	300	600	Law examiners.

		For the Fiscal Year ending Nov. 30, 1899	For the Fiscal Year ending Nov. 30, 1900	Total
Historical society.	State Historical and Natural History, Society, Curator salary	1 000	1 000	2 000
	Expenses	600	600	1 200
Equalization board.	State Board of Equalization, Secy's salary.....	1 500	1 500	3 000
Boiler inspector.	Boiler Inspector's Salary.....	2 500	2 500	5 000
	Assistant Inspector salary.	1 500	1 500	3 000
	Expenses Boiler Inspector.	500	500	1 000
	" Asst Boiler In- spector	500	500	1 000
	(All salaries, fees and ex- penses of the boiler in- spector to be paid out of the fees collected for the inspection of boilers.)			
Dairy commissioner.	State Dairy Commissioner sal.	1 200	1 200	2 400
	Deputy Dairy Commissioner sal.	1 000	1 000	2 000
	Traveling Expenses, Com and Ass't.....	500	500	1 000
Fish and game commissioner.	Forrest (Forest) Game and Fish Commissioner Salary..	1 200	1 200	2 400
	Commissioner's Traveling Expenses	500	500	1 000
	Clerk	600	600	1 200
	Forest and Game Warden (3) salaries.....	2 700	2 700	5 400
	Traveling expenses War- dens	900	900	1 800
	Superintendent of Fish Hatcheries, Salary.....	1 000	1 000	2 000
	Superintendents Traveling Expenses	400	400	800
	Deputy Superintendent (3) salaries	2 700	2 700	5 400

	For the Fiscal Year ending Nov. 30, 1899	For the Fiscal Year ending Nov. 30, 1900	Total
Traveling Expenses, Depu- ties	200	200	400
Distribution of ava [ova] and young fry.....	250	250	500
Denver Hatchery one assist- ant salary.....	600	600	1 200
Maintainance [M a i n t e n - ance] .....	.....	.....	3 300
Gunnison Hatchery one as- sistant salary.....	600	600	1 200
Maintainance [M a i n t e n - ance] .....	.....	.....	1 800
La Platta Hatchery, one as- sistant salary.....	600	600	1 200
Maintainance [M a i n t e n - ance] .....	.....	.....	1 800

Provided; that the above amounts shall be used and paid out only as re- quired for salaries and expenses as provided by law and not otherwise.

For the per. diem and milage [mileage] of members of the twelfth General As- sembly, the per diem of offi- cers, Clerks, Sargents at- arms, [Sergeants-at-arms], pages, Janitors, Chaplains and other employes of the Twelfth General assembly in excess of the amount already appropriated to pay the salaries above enumerated and not al- ready paid from the ap- propriation of seventy-five

Per diem and mileage twelfth general assembly.

		For the Fiscal Year ending Nov. 30, 1899	For the Fiscal Year ending Nov. 30, 1900	Total
	thousand dollars (\$75,000), made by the Twelfth Gen- eral Assembly and approved Jan. 20th, 1899.....	.....	.....	28,000
Excess expenses.	Legislative expenses incurred by either House of the Twelfth General Assembly in excess of the amount already appropriated.....	.....	.....	2,500
Expenses con- tested elections.	For the expenses incurred by, or on account of any con- tested election of any mem- ber of the Twelfth General Assembly, Tanquary vs. Fisher, Staley, vs. Meyer and Sandoval vs. Pino, to be paid upon vouchers drawn and signed by the Presi- dent of the Senate for Con- testors. \$750 for expenses and \$500 for attorneys, and for contestees, \$400 for ex- penses and \$400 for attor- neys, a total of.....	.....	.....	2,050
	L. A. Tanquary, Senator from the 27th Dist. 73 days salary from Jan. 4th to Mar. 17th, 1899 inclusive at \$7 per day, \$511; mileage, 340 miles at 15 cents per mile, \$51.....	.....	.....	562
Incidental and contingent ex- penses, execu- tive and judicial.	Sec. 2. To provide for the incidental and contingent expenses of the several de- partments of government and the various bureaus and officers connected therewith and for the printing of the			

	For the Fiscal Year ending Nov. 30, 1899	For the Fiscal Year ending Nov. 30, 1900	Total
said departments and bu- reaus, there is hereby ap- propriated the sum of eighty-three thousand dol- lars (\$83,000), less the amount of fifteen thousand dollars (\$15,000), already paid from the appropria- tion of one hundred and three thousand three hun- dred fifty-nine dollars and fifty-four cents (\$103,- 359.54), made by the Twelfth General Assembly and approved February 20, 1899	83,000

Thirty thousand dollars of which may be used for the printing required by the Twelfth General Assembly for the years 1899 and 1900, viz: House and Senate bills, calendars, roll calls, reports, letter heads and envelopes, rules, bill covers, engrossing blanks, Session Laws of the Twelfth General Assembly in English and Spanish, House and Senate Journals of the Eleventh and Twelfth General Assemblies; reports of state officers, departments and institutions; message and inaugural of the Governor, translation of Session Laws into Spanish, printing the acts and parts of acts or any printing required by law, or ordered by either branch of the General Assembly, or so much thereof as may be necessary.

Printing,
legislative and
executive.

Sec. 3. The said contingent fund shall be under the control and direction of a board consisting of the governor of the state, the auditor of state and the attorney general. The said board shall be known as the State Auditing Board, and shall sit at least once in each month for the transaction of business. The governor shall be chairman of said board, and the secretary of the state

Under control
state auditing
board.

Chairman.
Secretary.

board of Equalization shall act as secretary of said state auditing board without additional compensation for his services, the chief officer of each of the several branches of the executive and judicial departments, whether elected or appointed, shall, from time to time as the necessities of his department require, make and present to the said board, estimates of, and requisitions for, all necessary supplies, printing, postage, stationery, telegraph, telephone and mileage charges, legal fees and charges and other expenses, and other supplies which shall lawfully be required for the use of his department, and no such supplies shall be purchased or furnished, and no such expense shall be paid, until the said board shall have allowed the requisitions. So far as possible, the necessary supplies, and particularly the printing required to be done for the several offices and departments of the state government, shall be furnished and done in as large quantities and amounts as practicable and by individuals or firms with established places of business in the state, and the said board shall furnish to the secretary of state, upon requisition as above provided, orders for such supplies and printing as they shall allow, and the board, as the purchasing agent of the state, shall proceed to furnish and supply the same as required, after proceeding to advertise and take bids therefor as now required by law.

Supplies furnished in large quantities.

Paid out of contingent fund.

Auditor draw warrants.

Receipts accompany vouchers and requisitions.

Auditor make statement in biennial report.

Sec. 4. All supplies, printing and other things herein provided to be furnished, and the expenses of the various officers and bureaus necessarily expended in carrying on the public business, shall be paid out of the said contingent fund under the control of the said board, and when the bills therefor have been allowed by said board, the auditor of state shall draw his warrant or warrants therefor, payable only out of the said contingent fund, but the receipts shall accompany vouchers and requisitions for moneys expended.

Sec. 5. The auditor shall submit to the General Assembly, in his biennial report, an itemized statement of the expenditures made from the appropriations for the said contingent fund.

Sec. 6. All warrants issued under the provisions of this act shall be made only to the party to whom the state has become indebted, including all subordinates and employes of departments and all accounts for services rendered and items furnished, shall, before the issuance of a warrant therefor, be itemized and sworn to before an officer authorized by law to make affidavits, except in the case of duly elected or appointed officers of the state receiving a fixed compensation by law, and the same approved by the proper officer of the state; Provided, that in all cases of cash paid out by the officers for traveling expenses and mileage, said itemized account must be accompanied by proper vouchers therefor, signed by the party to whom such money has been paid; Provided, further, that no warrants shall be drawn under the provisions of this act to any officer, or on any fund, until all fees and emoluments of any kind or nature collected by such officer for the preceeding [preceding] month, shall have been accounted for under oath, and the amounts turned over to the state treasurer; and Provided, further, that no warrants shall be drawn under the provisions of this act to any officer for traveling expenses incurred by him in connection with the duties of his office, until he shall make and file with the officer issuing the warrant his affidavit that no part of said traveling was done on a free or complimentary pass, and that the said charges are not in excess of the amount actually paid by him on account of such traveling.

Warrants made,
to whom.

Accounts item-
ized and sworn
to, except.

No warrant
drawn until fees
collected are ac-
counted for and
turned over to
state treasurer.

No mileage al-
lowed, when.

Sec. 7. All unexpended balances remaining to the credit of any appropriation herein mentioned, shall, when all bills have been paid, be transferred to the general fund.

Unexpended
balance.

Sec. 8. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Emergency.

Approved April 4, 1899.

CHAPTER 33.

APPROPRIATION—GENERAL.

(H. B. No. 155, by Mr. Ballinger.)

AN ACT

TO PROVIDE FOR THE PAYMENT OF THE ORDINARY AND CONTINGENT EXPENSES OF THE EXECUTIVE, LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE STATE, AND THE OFFICERS AND EMPLOYES THEREOF, FOR THE MONTHS OF DECEMBER, 1898, AND JANUARY, FEBRUARY AND MARCH, 1899.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Executive,
legislative and
judicial.

Section 1. That there is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the purpose of paying a part of the ordinary and contingent expenses of the executive, legislative and judicial departments of the State, and the officers and employes thereof, for the fiscal year 1899, the sum of \$103,359.54, as follows:

Salaries and ex-
penses of execu-
tive and judicial
departments.

Governor's Salary.....	\$1,666.66
Governor's Private Secretary.....	500.00
Governor's Clerk and Stenographer.....	400.00
Lieutenant Governor's salary.....	333.33
Secretary of State's salary.....	1,000.00
Deputy Secretary of State's salary.....	833.33
Secretary of State's Chief Clerk's salary..	500.00
Printing Clerk, salary.....	500.00
Clerical assistance.....	1,666.66
Clerks and Stenographers (2).....	\$ 800.00
Deputy Labor Commissioner, salary.....	600.00
Secretary of State, office expenses.....	333.33

Auditor's salary.....	833.33
Governor's Messenger.....	185.00
Deputy Auditor's salary.....	833.33
Auditor's Book-keeper, salary.....	500.00
Auditor's Clerk and Stenographer.....	400.00
Treasurer's Salary.....	2,000.00
Deputy Treasurer's salary.....	833.33
Treasurer's book-keeper.....	500.00
Registry Clerk, Salary.....	400.00
Superintendent of Public Instruction, Salary..	1,000.00
Assistant Superintendent's Salary.....	500.00
Traveling expenses Superintendent.....	166.66
Maintenance of State Library.....	166.66
Clerk and Stenographer, Salary,	333.33
Assistant State Librarian, Salary.....	333.33
Attorney General's salary.....	1,000.00
Deputy Attorney General, salary.....	833.33
Assistant Attorney General, salary.....	833.33
Stenographer	333.33
Justices Supreme Court (3) Salaries.....	5,000.00
Clerk of Supreme Court, salary.....	1,166.66
Deputy Clerk Supreme Court, salary.....	500.00
Reporter of Supreme Court, salary.....	1,000.00
Bailiff of Supreme Court, salary.....	400.00
Stenographers (3) Supreme Court, salaries	1,000.00
Judges Court of Appeals, (3) salaries.....	5,000.00
Clerk Court of Appeals, salary.....	\$1,000.00
Bailiff Court of Appeals, salary.....	400.00
Stenographers (3) Court of Appeals, sal- aries	1,000.00
Judges District Court (19), salaries.....	25,333.00
District Attorneys (13), salaries.....	3,466.66
State Engineer's salary.....	1,000.00
State Engineer's assistants.....	960.00
Inspector of Coal Mines, salary.....	666.66
Deputy Inspector, salary.....	500.00
Inspector of Coal Mines' Clerk, salary....	166.66
Inspector of Coal Mines traveling expenses	333.33
State Veterinary Surgeon's salary.....	500.00
State Veterinary Sanitary Board, expenses	166.66

Register of Land Board, salary.....	666.66
Deputy Register Land Board, salary.....	500.00
Appraiser of Land Board, salary.....	500.00
Board of Land Commissioner's Clerk, salary	400.00
Stenographer, salary.....	300.00
Expenses State Board of Land Commissioners for appraising for lease, advertising, platting, surveying, expense of selling, fees of U. S. Register and Receiver, and County Clerks, and office expense	1,333.33
Commissioner of Mines salary.....	833.33
Mine Inspector's (2) salaries.....	1,000.00
Stenographer for Commissioner.....	333.33
Clerk of Commission.....	300.00
Commissioner's traveling expenses.....	\$ 166.66
Inspector's traveling expenses.....	333.33
State Board of Charities and Corrections.....	500.00
State Board of Pardons, expenses.....	300.00
State Historical and Natural History Society	250.00
State Board of Equalization Secretary's salary	500.00
Boiler Inspector, salary.....,.....	833.33
Assistant Boiler Inspector, salary.....	500.00
Boiler Inspector and assistant, expenses..	166.66
All salaries, fees and expenses of the Boiler Inspector to be paid out of the fees collected for the inspection of boilers.	
Dairy Commissioner, salary.....	400.00
Deputy Dairy Commissioner, salary.....	333.33
Traveling expenses, Commissioner and Deputy	166.66
Fish, Forestry and Game Commissioner, salary	400.00
Traveling expenses, Commissioner.....	166.66
Game Wardens (3), salaries.....	900.00
Traveling expenses, Wardens.....	300.00
Superintendent of Fish Hatcheries, salary	333.33
Deputy Superintendents' (3) salaries.....	900.00
Superintendent's traveling expense.....	66.66

Incidental and contingent expenses of the several executive and judicial depart- ments and state bureaus.....			\$15,000.00
For services as assistant Sergeant-at-arms of the Senate, J. B. McGauran.....	360.00	Legislative employees.	
As assistant Sergeant-at-arms of the Senate, G. M. Robbins.....	360.00		
As telephone page of the Senate, J. W. Tafts..	157.50		
As door-keeper of the Senate, E. Abeyta.....	270.00		
As docket clerk of the Senate, W. H. Kelley..	90.00		
As clerk of the Finance Committee of the Sen- ate, James L. Wallace.....	75.00		
As pages of the Senate, Harry Mullenbech, Alva Gamon, Sherman Bartley and How- ard Peck, \$45.00 each; for services as As- sistant Sergeant-at-Arms of the House, W. J. Ryan.....	340.00		
As Assistant Sergeant-at-Arms of the House, Edward Dawley.....	332.00		
As Assistant door-keeper of the House, Geo. A. Hutchinson.....	264.00		
As Janitor of the House Cloak Rooms, J. P. Haldeman	246.00		
As Janitor of the House Committee rooms, E. A. Graham.....	249.00		
As Janitor of the House, E. E. Litz.....	249.00		
As telephone page of the House, Roy Brock...	145.25		
As House Matron of the Ladies' gallery, Mrs. Mary Wood.....	332.00		
As Docket Clerk of the House, D. M. Jones...	90.00		
As Clerk of the House Committee on Finance, Ways and Means, Geo. E. McClelland....	82.00		
As Pages of the House, Ernest Bignall, Willie Lynch, F. L. O'Neill, Charles Rice, Samuel Stevens, Ernest Thum, each the sum of...	45.00		

Provided, that the foregoing sums hereby appro-
priated for the payment of the above named employees
of the Senate and House shall be paid only as earned
and upon the certificate of the proper officers of each
House that the services have been rendered.

Paid only as
earned upon
presentation of
proper
certificate.

First four
months fiscal
year.

Sec. 2. The above appropriations are intended to provide for the expenses of the several departments mentioned, for the first four months of the current fiscal year, to-wit: From December 1, 1898, to March 31, 1899, inclusive.

Warrant only to
party to whom
state indebted.

Sec. 3. All warrants issued under the provisions of this act shall be made only to the party to whom the State has become indebted, including herein all subordinates and employes of heads of departments and all accounts for services rendered and items furnished, shall, before the issuance of a warrant therefor, be itemized and sworn to before an officer authorized by law to make affidavits, except in the case of duly elected or appointed officers of the State receiving a fixed compensation by law, and the same approved by the proper officer of the State; Provided, That in all cases of cash paid out by the officers for traveling expenses and mileage, said itemized account must be accompanied by proper vouchers therefor, signed by the party to whom such money has been paid;

Fees collected
by officers
turned over to
treasurer before
warrants
drawn.

Provided, further, That no warrants shall be drawn under the provisions of this act to any officer, or on any fund, until all the fees and emoluments of any kind or nature collected by such officer for the preceding month, shall have been accounted for under oath, and the amounts turned over to the State Treasurer; and Provided, further, That no warrants shall be drawn under the provisions of this act, to any officer for mileage, charges or fare for traveling done by him in connection with the duties of his office, until he shall make and file with the officer issuing the warrant, his affidavit that no part of said traveling was done on a free or complimentary pass, and that the said charges are not in excess of the amount actually paid by him on account of such traveling.

State auditing
board control
contingent fund
executive and
judicial depart-
ments.

Sec. 4. The said contingent fund of \$15,000. for incidental and contingent expenses of the several executive and judicial departments and State bureaus shall be under the control and direction of a board consisting

of the Governor of the State, the Auditor of State and the Attorney General. The said board shall be known as the State Auditing Board, and shall sit at least once in each month for the transaction of business. The Governor shall be chairman of said board, and the Secretary of the State Board of Equalization shall act as Secretary of said board without additional compensation for his services. Every Chief Officer connected with any of said departments, whether elected or appointed, shall, from time to time as necessities of his department require, make and present to the said board, estimates of and requisitions for, all necessary supplies, printing, postage, stationery, telegraph, telephone and mileage charges, legal fees and charges and other expenses, and other supplies which shall be lawfully required for the use of his department, and no such supplies shall be purchased or furnished, and no such expense shall be paid, until the said board shall have allowed such requisitions. So far as possible, the necessary supplies, and particularly the printing required to be done for the said several offices and departments of the State government, shall be furnished and done in as large quantities as practicable, and the said board shall furnish to the Secretary of State upon requisition as above provided, orders for such supplies and printing as they shall allow, who, as the purchasing agent of the state, shall proceed to furnish and supply, and shall furnish and supply the same as required, after proceeding to advertise and take bids therefor as now required by law.

Sec. 5. All supplies, printing and other things herein provided to be furnished, and the mileage and expenses of the various officers and bureaus necessarily expended in carrying on the public business, shall be paid out of the said contingent fund under the control of said board, and when the bills therefor have been allowed by said board the Auditor of State shall draw his warrant or warrants therefor, payable only out of said contingent fund, but the receipts shall accompany vouchers and requisitions for moneys expended. The Auditor shall

Auditor make
itemized state-
ment.

submit to the General Assembly, in his biennial report, an itemized statement of the expenditures made from the appropriations for the said contingent fund.

Unexpended
balances to gen-
eral fund.

Sec. 6. All unexpended balances remaining to the credit of any appropriation herein mentioned shall, when all bills have been paid, be transferred to the general fund.

Emergency.

Sec. 7. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved February 20, 1899.

CHAPTER 34.

APPROPRIATION—W. L. GILBERT.

(H. B. No. 100, by Mr. Hughes.)

AN ACT

FOR AN APPROPRIATION TO PAY W. L. GILBERT FOR TROUT EGGS FURNISHED TO THE STATE OF COLORADO IN THE YEAR 1895.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. There is hereby appropriated out of the revenues of the state of Colorado of the year 1895, not otherwise appropriated, the sum of nine hundred dollars (\$900.00), and the auditor of the state of Colorado is hereby authorized to draw his warrant for said amount, to pay W. L. Gilbert that amount due him for trout eggs furnished the state of Colorado in the year 1895, as shown by the report of the auditor of the state of Colorado, page 5, as published, vouchers for which are now on file in the office of the auditor of the state of Colorado. duly approved by the Fish Commissioner, and Governor of the state of Colorado.

Approved April 13, 1899.

CHAPTER 35.

APPROPRIATION—MAX GROSSMAYER AND R. D. HOBART.

(S. B. No. 378, by Senator Parks.)

AN ACT

FOR THE RELIEF OF MAX GROSSMAYER AND R. D. HOBART, CONTRACTORS, FOR WORK DONE IN AND ABOUT THE SINKING OF AN ARTESIAN WELL REFERRED TO IN AN ACT APPROVED APRIL 23, 1895, AND ENTITLED "AN ACT TO PROVIDE FOR THE SINKING OF AN ARTESIAN WELL IN SECTION 29, TOWNSHIP 33 NORTH, RANGE 9 EAST N. M. MERIDIAN, CONEJOS COUNTY, COLORADO, FOR THE PURPOSE OF IRRIGATING STATE LANDS," AND MAKING AN APPROPRIATION TO PAY SAID PARTIES ON ACCOUNT OF WORK DONE ON SAID WELL, AND TO PROVIDE FOR THE TRANSFER OF ANY UNUSED BALANCE OF THE FUND HERETOFORE APPROPRIATED FOR THE SINKING OF SAID WELL TO THE INTERNAL IMPROVEMENT FUND.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. There is hereby appropriated out of any Appropriation. balance in the state treasury belonging to the appropriation made by an act entitled "An act to provide for the sinking of an artesian well in section 29, T. 33 N., R. 9 E., N. M. meridian, Conejos county, Colorado, for the purpose of irrigating state lands, the sum of one thousand dollars (\$1,000)," for the purpose of paying to Max Grossmayer and R. D. Hobart, as co-partners as Grossmayer & Hobart, contractors with the board of construction created and mentioned in an act approved April 23, 1895, entitled "An Act to provide for the sinking of an artesian well in section 29, township 33 north, range 9 east, N. M. meridian, Conejos county, Colorado, for the purpose of irrigating state lands," in order to reimburse said parties

Auditor draw
warrants.

on account of the moneys paid out by them for so much work as was actually done under their said contract in connection with the sinking of said artesian well; and the auditor of the State of Colorado is hereby directed to draw his warrant, and the treasurer is hereby directed to pay said warrant for said sum herein mentioned upon the taking effect of this act;

Treasurer issue
warrants.

Provided, In case there may be no money in said fund herein mentioned with which to pay said warrant upon the passage of this act, the state treasurer is hereby authorized and directed to pay the warrant drawn by the auditor of state for the amount herein appropriated with valid state warrants invested in said fund, said warrants so invested to be received by the said parties as such contractors at par with accrued interest thereon as full and fair compensation for so much of said work as said parties were able to complete and did actually complete in and about the sinking of said artesian well.

Balance re-
turned to fund.

Sec. 2. Any unused balance of the fund remaining after payment of the sum appropriated by this act, is hereby covered back into the internal improvement permanent fund, and the state treasurer is hereby directed to make the transfer on the books in his office in accordance with the provisions of this act.

Emergency.

Sec. 3. In the opinion of the general assembly an emergency exists; therefore, this act shall be in full force and effect from and after its passage.

Approved April 13, 1899.

CHAPTER 36.

APPROPRIATION—C. E. HAGAR.

(S. B. No. 186, by Senator Thomas.)

AN ACT

APPROPRIATING MONEY TO PAY C. E. HAGAR FOR SERVICES
RENDERED DURING THE OPENING DAYS OF THE SESSION
OF THE SENATE OF THE TWELFTH GENERAL ASSEMBLY.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. Whereas, C. E. Hagar served as Secretary in the opening days of the Session of the Senate of the Twelfth General Assembly, and prior to its organization; there is hereby appropriated out of the general fund the sum of Twenty-five dollars (\$25.00) for the payment of such services. Appropriation.

Sec. 2. The Auditor of the State is hereby authorized to issue a warrant in the following amount: Auditor draw warrant.

To C. E. Hagar.....\$25.00

Sec. 3. In the opinion of the General Assembly an emergency exists; therefore this act shall be in force and take effect from and after its passage. Emergency.

Approved April 13, 1899.

CHAPTER 37.

APPROPRIATION—MAURICE C. HAYES.

(H. B. No. 278, by Mr. Bradley.)

AN ACT

TO PROVIDE FOR THE PAYMENT OF THE BALANCE OF SALARY AND MILEAGE DUE MAURICE C. HAYES AS ASSISTANT INSPECTOR OF METALLIFEROUS MINES FOR THE YEARS EIGHTEEN HUNDRED AND NINETY-THREE (1893) AND EIGHTEEN HUNDRED AND NINETY-FOUR 1894.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. There is hereby appropriated the sum of thirteen hundred and fifty-five dollars (\$1,355) out of any moneys in the Treasury not otherwise appropriated; six hundred and sixty dollars (\$660) the balance due on salary, and six hundred and ninety-five dollars (\$695), mileage and expenses.

Auditor draw warrant.

Sec. 2. The State Auditor is hereby authorized to draw warrant upon the State Treasurer for the payment of the appropriation herein provided.

Emergency.

Sec. 3. In the opinion of the General Assembly an emergency exist [exists]; therefore, this act shall be in force and take effect from and after its passage.

Approved April 24, 1899.

CHAPTER 38.

APPROPRIATION—HOME FOR DEPENDENT AND NEGLECTED CHILDREN.

(H. B. No. 135, by Mr. Smith, of Jefferson.)

AN ACT

MAKING AN APPROPRIATION FOR THE SUPPORT AND MAINTENANCE OF THE STATE HOME FOR DEPENDENT AND NEGLECTED CHILDREN, FOR THE YEARS 1899 AND 1900, AND FOR CARRYING INTO EFFECT THE PROVISIONS OF A CERTAIN ACT ENTITLED "AN ACT IN RELATION TO THE ESTABLISHMENT OF A STATE HOME FOR DEPENDENT AND NEGLECTED CHILDREN AND MAKING AN APPROPRIATION THEREFOR," APPROVED APRIL 10TH, 1895, AND PUBLISHED AS CHAPTER 26 OF THE SESSION LAWS OF COLORADO FOR 1895, AND THE AMENDMENTS THERETO.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That for the general support and maintenance of the Home for the Dependent and Neglected children, and for carrying out the purposes of "An act in relation to the establishment of a State Home for dependent and neglected children, and making an appropriation therefor," approved April 10, 1895, and published as chapter 26 of the Session Laws of Colorado for 1895, and the amendments to said act, there is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of fifteen thousand dollars (\$15,000) for the year 1899 and fifteen thousand dollars (\$15,000) for the year 1900. The appropriation herein may be drawn by the "Board of Control of the State Home" in the manner provided by the act establishing the State Home for Dependent and Neglected children. Appropriation.

Whereas, in the opinion of the general assembly an emergency exists; now therefore, it is hereby declared that this act shall take effect and be in force from and after its passage. Emergency.

Approved April 13, 1899.

CHAPTER 39.

APPROPRIATION—HORTICULTURE.

(S. B. No. 78, by Senator Felton.)

AN ACT

MAKING AN APPROPRIATION FOR THE STATE BOARD OF HORTICULTURE FOR THE YEARS 1899 AND 1900.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. That five thousand (\$5,000) dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the state board of horticulture for the purpose of carrying out the provisions of an act entitled "An act to create a state board of horticulture; define its duties and compensation, to protect and promote the horticultural interests of the state; making an appropriation therefor; and to repeal an act to establish a bureau of horticulture, approved March 8, 1883; also an act to create state and county boards of horticulture, etc., approved April 5, 1893, approved April 15, 1897."

Time.

Sec. 2. That said appropriation is made for the two years of 1899 and 1900, commencing December 1, 1898, and ending November 30, 1900, one half of said amount to be used during the first year and the other half during the second year.

Auditor draw warrant.

Sec. 3. The state auditor is hereby authorized to draw warrants for the payment of the expenses of said board, upon vouchers certified by the president of the board of horticulture and attested by the secretary thereof.

Emergency.

Sec. 4. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force on and after its passage.

Approved April 13, 1899.

CHAPTER 40.



APPROPRIATION—T. A. HUGHES.

(H. B. No. 313, by Mr. Browning.)

AN ACT

FOR THE RELIEF OF T. A. HUGHES.

Whereas, there is due T. A. Hughes, as secretary of the state board of medical examiners, for clerk hire and for sundry sums of money advanced for postage and other necessary expenses of the board the sum of one thousand two hundred and one dollars and seventy cents, and for which bills have been presented to and approved by said board; and

Whereas, The fees received by the treasurer of said board have been paid into the state treasury since the 31st day of October, 1897, and there exists no fund out of which said expenses can be paid without legislative enactment;

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That the sum of one thousand two hundred and one and seventy one-hundredths dollars be and hereby is appropriated, one thousand and thirty-nine dollars thereof out of the state board of medical examiner's fund, in the state treasury, and the remainder, one hundred and sixty-two and seventy one-hundredths dollars, out of any funds in the state treasury, not otherwise appropriated, to pay and reimburse said T. A. Hughes as secretary of the state board of medical examiners, and the state auditor is hereby authorized and directed to draw his warrants on the state treasurer, in favor of said T. A. Hughes, for the same.

Appropriation.

Auditor draw
warrant.

Emergency.

Sec. 2. In as much as this claim should be liquidated at once; therefore, in the opinion of the general assembly an emergency exists, and this act shall take effect and be in force from and after its passage.

Approved April 29, 1899.

CHAPTER 41.

APPROPRIATION—IMPROVEMENTS AGRICULTURAL COLLEGE GROUNDS.

(S. B. No. 152, by Senator Evans.)

AN ACT

TO PROVIDE FOR THE IMPROVEMENT OF THE REAL PROPERTY OF THE STATE OF COLORADO, KNOWN AS THE STATE AGRICULTURAL COLLEGE GROUNDS, BY THE ERECTION OF NEEDFUL ADDITIONAL PERMANENT BUILDINGS THEREON; AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. That for the purpose of improving the real property owned by the State of Colorado and designated as the State Agricultural College grounds, in the erection of needful additional permanent buildings thereon, there shall be and hereby is appropriated out of any money in the Treasury not otherwise appropriated Fifteen thousand dollars. (\$15,000)

Money
expended by.

Sec. 2. That all moneys appropriated by this act shall be expended for the purposes stated in section one (1) hereof, under the direction and control of the State Board of Agriculture.

Auditor draw
warrant.

Sec. 3. That the Auditor of State is hereby authorized and directed to draw warrants on the fund created

by section one (1) of this act, upon presentation of certificates of indebtedness issued by the said State Board of Agriculture and signed by its President and Secretary.

Sec. 4. In the opinion of the General Assembly an Emergency. emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 19, 1899.

CHAPTER 42.

APPROPRIATION—INDUSTRIAL SCHOOL.

(H. B. No. 72, by Mr. Smith, of Jefferson.)

AN ACT

MAKING APPROPRIATION FOR THE SUPPORT, MAINTENANCE AND IMPROVEMENT OF THE STATE INDUSTRIAL SCHOOL AT GOLDEN, FOR THE TWO YEARS ENDING NOVEMBER 30, 1900.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That for the general support and main- Appropriation. tenance of the State Industrial School, at Golden, Colorado, for the period commencing December 1, 1898, and ending November 30, 1900, including salaries of officers and employes, repairs of machinery, buying stock for farm and school uses, building new fences and repairing fences, repairs on buildings and miscellaneous expences (expenses), there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of sixty thousand dollars (\$60,000), together with the cash receipts of the institution for the two years aforesaid (aforesaid).

Appropriation,
repairs.

Sec. 2. That for the purpose of making necessary repairs and improvements at said State Industrial School at Golden, there is hereby also appropriated out of any funds in the treasury not otherwise appropriated from the state revenues for 1899 and 1900, the further sum of ten thousand dollars (\$10,000.) which sum shall be used under the discretion [direction] of the board of control of said institution, for the purpose of completing the steam heating plant; perfecting the electric lighting facilities; increasing the capacity and equipment of the manual training school department; for improving the laundry, kitchen and bathing facilities; for gymnasium apparatus; for replenishing the school library, and for music and musical instruments; and for properly [properly] insuring the buildings, furniture and supplies of the institution; and for any other purposes the said board of control may find necessary to the school's proper conduct and welfare; Provided, That in case of loss or damage by fire the amount realized from the insurance covering said loss, shall be placed to the credit of said State Industrial School to be used in the erection of new buildings and making necessary repairs."

Loss by fire.

Auditor draw
warrant.

Sec. 3. That each of the several sums specified shall be used exclusively for the purpose for which it is appropriated. The State Auditor upon certified voucher of the Board of Control and Superintendent of the State Industrial School, shall draw his warrant upon the State Treasury in payment for the monies [moneys] hereby appropriated.

Sec. 4. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect from and after its passage.

Approved April 13, 1899.

CHAPTER 43.

APPROPRIATION—INDUSTRIAL SCHOOL, BUILDINGS, ETC.

(S. B. No. 296, by Senator Philp.)

AN ACT

TO PROVIDE LANDS FOR THE STATE INDUSTRIAL SCHOOL FOR GIRLS; TO MAKE AN APPROPRIATION FOR SUITABLE BUILDINGS TO BE CONSTRUCTED THEREON AND PROVISIONS FOR RENTS, AND OTHER NECESSARY IMPROVEMENTS AND APPLIANCES FOR SAID SCHOOL.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That the board of land commissioners of the state of Colorado is hereby authorized to lease to the board of Control of the State Industrial School for Girls, for a period of not to exceed fifty years, not to exceed forty acres of school land located out side and near the city of Denver and under irrigation, to be selected by the board designated in section 3 of an act establishing the State Industrial School for Girls, approved April 28, 1897, at a rental value not to exceed one dollar (\$1.00) per acre per annum. That proper contracts of lease for the said land shall be executed to the said board of control as soon as the said board of control shall have at their command funds with which to erect buildings thereon. If suitable school lands with water rights sufficient to irrigate the same can not be secured as herein provided, then the board of control of the said school is hereby authorized to contract by lease for the use of a suitable tract of land of not to exceed sixty acres under irrigation, or to purchase the same by contract or otherwise.

Appropriation,
lease state land.

May purchase.

Sec. 2. That \$25,000 be and the same is hereby appropriated from any moneys in the state treasury, for

Appropriation.

the purpose of constructing suitable buildings upon the said lands above designated, for a home for the State Industrial School for Girls, or for paying rents and other necessary improvements and appliances for the said school until the said buildings are completed. Said buildings to be erected by the said Board of Control according to the most improved modern plans, with proper heating, ventilating and school apparatus.

Auditor issue
certificates of
indebtedness.

Sec. 3. In order to expedite the construction of the said buildings the state auditor is hereby authorized to issue certificates of indebtedness, to draw interest at the rate of six per cent. per annum, in payment of vouchers approved by the Board of Control and drawn upon the said fund for the purposes mentioned in section 2 of this act, which said certificates shall be paid by the state treasurer out of the moneys provided for in said appropriation.

Appropriation,
rents.

Sec. 4. There is hereby appropriated out of any money in the state treasury five thousand dollars (\$5,000.00) for the payment of rents and making necessary improvements and repairs upon such buildings as may be secured for the said school and for the necessary appliances therefor, for the years 1899 and 1900, or until the fund provided for in section 2 shall become available.

Emergency.

Sec. 5. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 18, 1899.

CHAPTER 44.

APPROPRIATION—INDUSTRIAL SCHOOL DEFICIT.

(H. B. No. 73, by Mr. Smith, of Jefferson.)

AN ACT

TO PROVIDE FOR THE PAYMENT OF A DEFICIT NOW EXISTING
AGAINST THE STATE INDUSTRIAL SCHOOL AT GOLDEN
AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That for the purpose of paying a deficit **Appropriation.**
now existing against the State Industrial School, at
Golden, Colorado, there is hereby appropriated out of any
moneys in the State Treasury belonging to the revenues
of 1897 and 1898, not otherwise appropriated, the sum of
four thousand seven hundred and ninety-five and eight
one-hundredths dollars (\$4,795.08), but if there is not suf-
ficient moneys in the said revenue fund of 1897 and 1898
then the balance of this amount shall be paid from any
other moneys in the treasury not otherwise appropriated.

Sec. 2. The State Auditor upon certified vouchers **Auditor draw**
of the Board of Control and Superintendent of the State **warrants.**
Industrial School, shall draw his warrant upon the State
Treasury in payment of the moneys hereby appropriated.

Sec. 3. Whereas, In the opinion of the General As- **Emergency.**
sembly, an emergency requiring the immediate effect and
operation of this act exists; therefore, this act shall
have force and effect from and after its passage.

Approved March 17, 1899.

CHAPTER 45.

APPROPRIATION—INSANE ASYLUM.

(S. B. No. 143, by Senator Porterfield.)

AN ACT

MAKING APPROPRIATIONS FOR THE COLORADO INSANE ASYLUM.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. For the general support and maintenance of the State Insane Asylum, including the salaries of officers and employes of the institution, there is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, the sum of fifty thousand dollars (\$50,000.00) for the years 1899 and 1900; Providing, That not more than thirty thousand dollars shall be expended during the year 1899.

Appropriation,
deficit.

Sec. 2. That for the purpose of paying a deficit now existing against said asylum, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of eighteen thousand six hundred thirty six and forty-four one hundredths dollars (\$18,636.44).

Appropriation,
repairs.

Sec. 3. For the purpose of making repairs and improvements at the said Asylum, there is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, the sum of four thousand dollars (\$4,000.00).

Appropriation,
improvements.

Sec. 4. For the purpose of erecting a new wing to the building occupied by female patients in said asylum, there is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, the sum of forty thousand dollars (\$40,000); Provided, however, That

the stone for the erection of the said new wing shall be quarried and dressed by convict labor.

Sec. 5. In the opinion of the General Assembly an Emergency. emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved April 13, 1899.

CHAPTER 46.

APPROPRIATION—LAND, DEPENDENT CHILDREN HOME.

(H. B. No. 133, by Mr. Smith, of Jefferson.)

AN ACT

AN ACT TO AUTHORIZE AND DIRECT THE GOVERNOR OF THE STATE OF COLORADO AND THE BOARD OF CONTROL OF THE STATE HOME FOR DEPENDENT AND NEGLECTED CHILDREN, TO PURCHASE LANDS, IMPROVE THE SAME, ERECT SUITABLE BUILDINGS THEREON, AND TO SUITABLY EQUIP AND FURNISH THE SAME, FOR A PERMANENT HOME FOR THE DEPENDENT AND NEGLECTED CHILDREN OF THE STATE OF COLORADO, AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That the Governor of the State of Colorado and the Board of Control of the State Home for Dependent and Neglected Children of the State of Colorado is hereby authorized, empowered and directed to purchase suitable land, improve the same and erect thereon all necessary buildings and to suitably equip and furnish the same for a permanent home for the dependent and neglected children of the State of Colorado, pursuant to and in conformity with and to carry out the objects of a certain act entitled "An Act in relation to the establish- Governor may purchase lands.

ment of a State Home for Dependent and Neglected Children; and making an appropriation therefor," approved April 10th 1895, and the amendments thereto.

Appropriation.

Sec. 2. That there be and hereby is appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of thirty thousand dollars (\$30,000); said sum to be used and expended for the purpose of carrying out the objects enumerated in section 1 of this act.

Appropriation drawn, how.

Sec. 3. The appropriation herein may be drawn by the said Board of Control of the said State Home in the following manner; Vouchers for the purchase of land, improving the same, for the erection of buildings, equipping and furnishing the same, or for other indebtedness incurred for the purpose of carrying into effect the provisions of this act, shall be issued by the superintendent and countersigned by the president and Secretary of the said board. Upon presentation of these vouchers, with accompanying bills in duplicate, properly verified, the Auditor of State shall issue a warrant to the individual or party to whom the same is due, which warrants, when properly issued, as above and presented to the State Treasurer, shall be immediately paid by said treasurer out of any funds in his hands for the purposes of this act.

Auditor draw warrants.

Emergency.

Sec. 4. Whereas, in the opinion of the General Assembly, an emergency exists; now, therefore, this act shall take effect and be in force from and after its passage.

Approved April 8, 1899.

CHAPTER 47.

APPROPRIATION—MARBLE FUND, TRANSFER OF.

(S. B. No. 421, by Senator Maxwell.)

AN ACT

TO AMEND SECTION ONE OF AN ACT APPROVED MARCH 31, 1897, ENTITLED "AN ACT MAKING AN APPROPRIATION FOR THE COMPLETION OF THE STATE CAPITOL BUILDING, AND IMPROVEMENT OF GROUNDS OF THE STATE OF COLORADO; PROVIDING FOR THE USE OF COLORADO MARBLE THEREIN, AND AUTHORIZING THE ISSUANCE OF CERTIFICATES OF INDEBTEDNESS IN PAYMENT FOR LABOR AND MATERIAL USED IN THE CONSTRUCTION AND COMPLETION THEREOF," AND PROVIDING FOR THE TRANSFER OF THE UNAPPROPRIATED BALANCE OF THE CAPITOL BUILDING MARBLE FUND, LESS THE AMOUNTS DUE ON UNFINISHED CONTRACTS THEREUNDER.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. The sum of forty thousand, two hundred and sixty eight and 13-100 (\$40,268.13) dollars, the same being the balance of the Capitol Building Marble Fund by said section 1 of said Act, approved March 31, 1897, heretofore appropriated, less the amounts due on unfinished contracts for labor and marble furnished in said building, is hereby transferred and appropriated to the Capitol Building Appropriation Fund, for the purpose of completing the State Capitol Building. Appropriation,
transfer of.

Sec. 2. All Acts and parts of Acts inconsistent with the provisions hereof are hereby repealed. Repeal.

Sec. 3. In the opinion of the General Assembly, an emergency exists with regard to the matters provided for in this Bill, and, therefore, this Act shall take effect and be in force from and after its passage. Emergency.

Approved April 13, 1899.

CHAPTER 48.

APPROPRIATION—J. C. MARTINEZ.

(H. B. No. 380, by Mr. Dunlavy.)

AN ACT

FOR THE RELIEF OF J. C. MARTINEZ.

*Be it Enacted by the General Assembly of the State of Colorado :***Appropriation.**

Section 1. The sum of \$180.00 is hereby appropriated out of general fund of 1895 in the state treasury, not otherwise appropriated, for the purpose of paying J. C. Martinez the balance due him for services rendered in translating the session laws of 1893 and 1894.

Emergency.

Sec. 2. Whereas, this sum is justly due and should have been paid long since, said account having been vouchered and approved by the Hon. Nelson O. McClees, secretary of state, on the 9th day of April, A. D. 1894, in the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 24, 1899.

CHAPTER 49.

APPROPRIATION—NORMAL SCHOOL.

(S. B. No. 217, by Senator McCreery.)

AN ACT

MAKING AN ANNUAL AND CONTINUING APPROPRIATION FOR
THE SUPPORT AND MAINTENANCE OF THE STATE NOR-
MAL SCHOOL OF COLORADO.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. There is hereby appropriated annually, Continuous
for the support and maintenance of the State Normal appropriation.
School of Colorado and out of, and as a part of, the an-
nual levy, assessment and collection of taxes for general
state purposes, the proceeds and amounts derived and
collected pro rata upon one-fifth of one mill on each dol-
lar of the assessed annual valuation of the taxable prop-
erty of the state; and it shall be the duty of the state
board of equalization, and other officers whose duty it
is to make such levy and assessment for general state
purposes, to extend and assess said appropriation of one-
fifth of one mill, as above provided, in a separate column
of account upon all assessment rolls and books used in
the levy, assessment and collection of taxes for state
purposes.

Sec. 2. All acts and parts of acts inconsistent with Repeal.
the provisions of this act be and the same are hereby
repealed.

Sec. 3. Whereas, in the opinion of the General As- Emergency.
sembly an emergency exists; therefore, this act shall take
effect and be in force from and after its passage.

Approved April 22, 1899.

CHAPTER 50.

APPROPRIATION—PENITENTIARY.

(S. B. No. 77, by Senator Felton.)

AN ACT

MAKING AN APPROPRIATION FOR THE MAINTENANCE AND
SUPPORT OF THE PENITENTIARY FOR THE YEARS OF
1899 AND 1900.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. That there be and hereby is, appropriated out of any moneys in the state treasury, not otherwise appropriated, to the State Penitentiary, for the years 1899 and 1900, commencing December 1, 1898 and ending November 30, 1900, the sum of one hundred and forty-five (145,000) dollars, or so much thereof as may be necessary, together with the earnings of said institution, to maintain, support and pay the incidental expenses, including the salaries of the officers and employes, and also to pay the expenses of the lime kilns, quarries, brick-yards and garden work of said institution.

Auditor draw
warrant.

Sec. 2. The said appropriation shall be used exclusively for the purposes aforesaid, and the warden of the penitentiary is hereby required to open and keep an account with each item of the appropriation, and the auditor is hereby authorized to draw warrants for the payment of the same, upon vouchers certified by the president of the board of commissioners, and attested by the secretary thereof.

Emergency.

Sec. 3. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 13, 1899.

CHAPTER 51.

APPROPRIATION—PENITENTIARY DEFICIENCY.

(S. B. No. 74, by Senator Felton.)

AN ACT

TO PROVIDE FOR PAYING THE DEFICIENCY IN THE ACCOUNTS
OF THE STATE PENITENTIARY.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That, for the purpose of paying certain **Appropriation.** vouchers drawn on the State Treasury by the commissioners of the State Penitentiary from time to time during the years 1897 and 1898, which vouchers amount to the sum of \$25,704.02 which sum is in excess of the amount appropriated by the Eleventh General Assembly, which was one hundred and fifty thousand dollars, for the purpose of paying the deficiency between the amount appropriated and the amount of vouchers drawn, there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of \$25,704.02 to be exclusively applied to the purposes above expressed.

Sec. 2. In the opinion of the General Assembly an **Emergency.** emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 13, 1899.

CHAPTER 52.

APPROPRIATION—PENITENTIARY, PART EXPENSE.

(S. B. No. 75, by Senator Felton.)

AN ACT

TO PROVIDE FOR THE PAYMENT OF A PART OF THE EXPENSE
OF MAINTENANCE, SUPPORT AND INCIDENTAL EXPENSES
OF THE PENITENTIARY FOR THE YEARS 1899 AND 1900.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. That there is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, as part payment of the expenses of the State Penitentiary for maintenance, support and incidental expenses, including the salaries of officers and employes for the years 1899 and 1900, commencing December 1, 1898 and ending November 30, 1900, the sum of twenty-five thousand (25,000) dollars, to be used exclusively for the purposes aforesaid and the auditor is hereby authorized to draw warrants for the payment of vouchers certified by the president of the board of penitentiary commissioners and attested by the secretary thereof.

Auditor draw
warrant.

Emergency.

Sec. 2. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved March 6, 1899.

CHAPTER 53.

APPROPRIATION—PENITENTIARY, REPAIRS.

(S. B. No. 76, by Senator Felton.)

AN ACT

TO APPROPRIATE MONEY FOR PURPOSE OF MAKING REPAIRS
AND IMPROVEMENTS AT THE STATE PENITENTIARY.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That there is hereby appropriated out of Appropriation. any moneys in the State Treasury not otherwise appropriated the sum of four thousand (4,000) dollars for the purpose of making repairs and improvements at the State Penitentiary.

Sec. 2. Said appropriations shall be used exclusively Warden keep for the purposes aforesaid, and the Warden of the Peni- account. tentiary is hereby required to open and keep an account with each item of the appropriation; and the Auditor is hereby authorized to draw warrants for the payment Auditor draw of the same upon vouchers certified by the President of warrant. the Board of Commissioners and attested by the Secretary thereof.

Sec..3. In the opinion of the General Assembly an Emergency. emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved April 13, 1899.

CHAPTER 54.

APPROPRIATION—REFORMATORY.

(S. B. No. 105, by Senator Ehrhart.)

AN ACT

CONCERNING THE STATE REFORMATORY AND MAKING APPROPRIATIONS THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. That for the general support and maintenance of the State Reformatory, including the salaries of officers and employes of the state institution, there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of seventy thousand dollars (\$70.000.) (of which amount, not to exceed \$35.000.00 shall be used for the year 1899,) for the two years commencing December 1898, and ending November 30, 1900.

Auditor draw warrant.

Sec. 2. Said appropriation shall be used exclusively for the purpose aforesaid, and the auditor is hereby authorized to draw warrants for the payments of the same, upon vouchers certified by the president of the board of penitentiary commissioners, and attested by the secretary thereof.

Emergency.

Sec. 3. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 13, 1899.

CHAPTER 55.

APPROPRIATION—REFORMATORY, IMPROVEMENT OF.

(S. B. No. 194, by Senator Ehrhart.)

AN ACT

APPROPRIATING FUNDS OUT OF ANY MONEYS IN THE STATE TREASURY, NOT OTHERWISE APPROPRIATED, AND FROM ANY FUND AVAILABLE FOR SUCH A PURPOSE, FOR THE ERECTION OF A STEAM HEATING PLANT, FURNITURE, REPAIRS AND PERMANENT IMPROVEMENTS, E. T. C., (ETC.,) AT THE STATE REFORMATORY AT BUENA VISTA.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That for the purpose of erecting a Steam Appropriation. heating plant in the State Reformatory at Buena Vista, and for purchasing needed furniture and making repairs and improvements, etc., there is hereby appropriated out of any money in the State treasury and from any fund available for such purpose, not otherwise appropriated, the sum of Eight thousand five hundred dollars (\$8,500).

Sec. 2. In the opinion of the general assembly an Emergency. emergency exists; therefore, this act shall be in force and take effect from and after its passage.

Approved April 13, 1899.

CHAPTER 56.

APPROPRIATION—REFORMATORY, RELIEF OF.

(S. B. No. 104, by Senator Ehrhart.)

AN ACT

FOR THE RELIEF OF THE STATE REFORMATORY AT BUENA VISTA, COLORADO.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.

Section 1. There is hereby appropriated out of the surplus revenues of the general fund of the state, for the fiscal years 1897 and 1898, but if there is not sufficient money in the said surplus revenue fund for the years 1897 and 1898, then the balance of this amount shall be paid from any other moneys in the treasury, not otherwise appropriated, the sum of twenty-two thousand six hundred and thirty one dollars and eight cents, (\$22,631.08) for the payment of vouchers in the office of the auditor of state for unpaid salaries of officers and employes, and for supplies furnished the State Reformatory at Buena Vista during the year 1898.

Auditor draw warrant.

Sec. 2. The state auditor is hereby directed to draw his warrant on the state treasurer in payment of said claims, as same are presented to him for that purpose.

Emergency.

Sec. 3. Whereas, in the opinion of the general assembly an emergency exists; therefore, this act shall be in force and take effect from and after its passage.

Approved April 4, 1899.

CHAPTER 57.

APPROPRIATION—ROAD, SAN MIGUEL COUNTY.

(H. B. No. 183, by Mr. Taylor.)

AN ACT

TO CONSTRUCT A STATE WAGON ROAD IN SAN MIGUEL COUNTY, FROM A POINT ABOVE THE TOWN OF PANDORA NEAR THE MOUTH OF MARSHALL CREEK, AND RUNNING SOUTHEAST ALONG THE NORTH SIDE OF SAN MIGUEL VALLEY TO A POINT ABOVE BRIDAL VEIL FALLS.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That the sum of eight thousand dollars ^{Appropriation.} (\$8,000) be and the same is hereby appropriated out of any moneys in the internal improvement fund not otherwise appropriated, for the purpose of constructing a wagon road in San Miguel County upon the following described route, as near as practicable, to-wit: commencing near the mouth of Marshall creek, running along the north side of San Miguel valley near what is known as the Meldrum tunnel, thence South above Bridal Veil falls, into Bridal Veil basin.

Sec. 2. Said wagon road shall be surveyed and the ^{Survey made by} route selected by the state engineer as near as practicable ^{state engineer.} in the route described in section one of this act.

Sec. 3. The state engineer and the board of county ^{Board composed} commissioners of San Miguel county shall be and are ^{of.} hereby constituted a board, to be designated as the board of construction, of which the chairman of the board of county commissioners shall be chairman, and the state engineer and board of county commissioners shall select a secretary.

If appropriation
insufficient.

Sec. 4. That on making a survey and estimate of cost of said wagon road, it is found that the amount herein appropriated is not sufficient to complete said wagon road, then no part of the appropriation herein provided shall be used, except so much thereof as shall be necessary to make such survey, unless the board of county commissioners, or other responsible parties of said San Miguel county shall agree to furnish the amount required in excess of this appropriation, and shall furnish to said commissioners satisfactory evidence that such money shall be forthcoming on demand of such commissioners on the completion of such wagon road.

Auditor draw
warrant.

Sec. 5. That the state auditor be and the same is hereby authorized and directed to draw his warrant on the state treasurer for the sum of Eight thousand dollars (\$8,000), or so much thereof as may be necessary on certificate of the state engineer that such wagon road has been constructed.

Kept in repair by.

Sec. 6. That after said road is constructed as aforesaid, the county of San Miguel shall be at all expense of maintaining and keeping said road in repair for the use of the public.

Approved April 22, 1899.

CHAPTER 58.

APPROPRIATION—ELISHA F. RUSSELL.

(H. B. No. 80, by Miss Barry.)

AN ACT

FOR THE RELIEF OF ELISHA F. RUSSELL.

Be it Enacted by the General Assembly of the State of Colorado:

Auditor draw
warrant.

Section 1. The auditor of state is hereby authorized and directed to draw his warrant on the treasurer of state in behalf of Elisha F. Russell, for the sum of two

hundred and seventy-five dollars (\$275) for services rendered by the said Elisha F. Russell in preparing, classifying and compiling the running titles and side notes for the Laws passed at the seventh session of the general assembly of the State of Colorado.

Sec. 2. The sum of two hundred and seventy-five dollars (\$275) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the payment of the warrant authorized by this act. Appropriation.

Sec. 3. Whereas, this sum is justly due and should have been paid long since; in the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage. Emergency.

Approved April 13, 1899.

CHAPTER 59.

APPROPRIATION—SCHOOL FOR DEAF AND BLIND.

(S. B. No. 61, by Senator Seldomridge.)

AN ACT

TO APPROPRIATE THE SUM OF TWENTY-TWO THOUSAND FIVE HUNDRED AND SIXTY-NINE DOLLARS FOR THE USE OF THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That there be and is hereby appropriated out of the moneys in the state treasury not otherwise appropriated, the sum of twenty-two thousand five hundred and sixty-nine dollars (\$22,569.) for the additional support and maintenance of the Colorado School for the Deaf and the Blind, for insuring the property thereof, for making any necessary or proper repairs and improvements in, for and about the same and to pay any deficit Appropriation.

that may have been heretofore incurred in the maintenance of the said institution.

Under direction
board of
control.

Sec. 2. That all moneys appropriated by this act shall be expended under the direction and control of the board of trustees of the Colorado School for the Deaf and the Blind, and the auditor is hereby instructed, upon the presentation of the order of said board of trustees, signed by the president thereof and countersigned by the secretary, to draw his warrant in favor of the said school in the sum of twenty-two thousand five hundred and sixty-nine dollars (\$22,569.).

Emergency.

Sec. 3. Whereas, in the opinion of the General Assembly an emergency exists; therefore, this act shall be in force and take effect from and after its passage.

Approved April 13, 1899.

CHAPTER 60.

APPROPRIATION—SOLDIERS' AND SAILORS' HOME.

(S. B. No. 131, by Senator Roe.)

AN ACT

TO MAKE AN APPROPRIATION FOR THE SUPPORT AND MAINTENANCE OF THE SOLDIERS' AND SAILORS' HOME AND TO PAY THE SALARIES OF THE OFFICERS AND EMPLOYEES THEREOF.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. There is hereby appropriated out of any moneys in the treasury not otherwise appropriated of the years 1899 and 1900 for maintenance and for payment of salaries of officers of the Soldiers' and Sailors' Home, for the year 1899—(\$20,000) and for the year 1900—(\$20,000).

Sec. 2. For the construction and furnishing of an ^{Appropriation,} addition to the hospital building of the home, there is ^{Improvements.} hereby appropriated the sum of five thousand dollars (\$5,000.00).

Sec. 3. In the opinion of the General Assembly an ^{Emergency.} emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved April 13, 1899.

CHAPTER 61.

APPROPRIATION—STATE NORMAL SCHOOL.

(H. B. No. 154, by Mr. Clark.)

AN ACT

TO FURTHER PROVIDE FOR THE MAINTENANCE GROWTH AND DEVELOPMENT OF THE STATE NORMAL SCHOOL AT GREELEY AND MAKING APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated from the ^{Appropriation.} general out of any money not otherwise appropriated, for the purpose of replacing the heating plant at the State Normal School at Greeley, for improving the ventilation and lighting facilities of said school, and for erecting and furnishing the west wing of said school, the sum of Twenty five thousand dollars (\$25,000.00).

Sec. 2. In the opinion of the General Assembly an ^{Emergency.} emergency exists; therefore this act shall take effect and be in force from and after its passage.

Approved April 19, 1899.

CHAPTER 62.

APPROPRIATION—STATE ROAD, EAGLE COUNTY.

(H. B. No. 259, by Mr. Jefferson.)

AN ACT

TO PROVIDE FOR THE CONSTRUCTION OF A STATE ROAD BETWEEN WOLCOTT, IN THE COUNTY OF EAGLE, AND YAMPA, IN THE COUNTY OF ROUTT, AND TO APPROPRIATE MONEY FOR THE SAME.

Be it Enacted by the General Assembly of the State of Colorado :

Whereas, By virtue of an act approved April 19, 1889, a State Bridge was constructed across the Grand River in the County of Eagle, but no State Road leading to or from said bridge has been at any time constructed; and,

Whereas, The said bridge furnishes the only practicable outlet to a large and productive section in the northwestern part of this state, the traffic of which has been diverted to points outside of this state for the lack (lack) of such road;

Now, therefore:

Appropriation.

Section 1. There is hereby appropriated out of any money in the State Treasury belonging to the Internal Improvement, or Internal Improvement Income Funds, and not otherwise appropriated, the sum of two thousand dollars (\$2,000.00), or so much thereof as may be necessary for the purpose of constructing a State road from Wolcott, in Eagle County, to Yampa, in Routt County.

Board composed of.

Sec. 2. The Governor of the State, the State Engineer, and the Chairmen of the boards of County Commissioners of Eagle and Routt Counties shall be, and are hereby, constituted a board, to be designated as the board

of construction, of which board the Governor shall be Chairman and the State Engineer shall be Secretary; which board shall, as soon as practicable after this act takes effect, view the route of said proposed road and cause a survey thereof to be made, between Wolcott and Yampa, and determine the grade and location of the same; after which, they shall advertise for bids for the construction of the same. Such advertisement shall be inserted for at least thirty days in one newspaper published in Eagle County and one published in Routt County.

Advertise for
bids.

Sec. 3. The said board shall let a contract for the construction of said road to the lowest responsible bidder who shall bid for the same according to the terms of said publication; and shall require a good and sufficient bond from the said contractor in the sum of four thousand dollars (\$4,000.00) conditioned for the completion of said road according to the contract.

Contractor
furnish bond.

Sec. 4. Said road shall pass over and across the said bridge.

Sec. 5. When said road shall have been completed according to the contract and accepted by the said board, the Auditor of State is hereby directed to draw a warrant or warrants for the amount, upon receiving a certificate of the State Engineer that said work has been completed according to contract, and that the same has been accepted by the board; Provided, That no portion of the funds hereby appropriated shall be for the purchase of any lands upon which said road is to be built, and all expenses of said survey shall be paid out of said Internal Improvement, or Internal Improvement Income funds.

Auditor draw
warrant.

Sec. 6. Said road, when completed, shall be free to all persons, and so much of the same as lies in Eagle County shall thereafter be kept in repair by and at the expense of Eagle County, and so much as lies in Routt County shall be kept in repair and at the expense of Routt County, as other county roads of said counties.

Kept in repair
by.

Emergency.

Sec. 7. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 28, 1899.

CHAPTER 63.

APPROPRIATION—STATE WAGON ROAD.

(S. B. No. 169, by Senator Ehrhart.)

AN ACT

PROVIDING FOR THE BUILDING OF A STATE WAGON ROAD FROM PUEBLO TO LEADVILLE, BY CONVICT LABOR, AND APPROPRIATING MONEY FROM THE INTERNAL PERMANENT OR INCOME IMPROVEMENT FUND THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado:

Road constructed by convict labor.

Governor appoint superintendent.

Salary.

Superintendent appoint working boss.

Salary.

Location.

Section 1. A wagon road shall be constructed from Pueblo to Leadville by convict labor; the work shall be begun by gangs of convicts working each way from the State Penitentiary and the State Reformatory, under the supervision and direction of a superintendent, who shall be appointed by the Governor for a term of two (2) years at a salary of twelve hundred dollars (\$1,200.00) per annum. Said superintendent shall have power to appoint one working boss for each gang of convicts, who shall receive forty-five dollars (\$45.00) per month and subsistence. Said wagon road shall be located along the most practicable route now traveled between Pueblo and Leadville, and from Buena Vista to Salt Works in Park County, following the most practicable route over Trout Creek Pass, and the County Commissioners for the county through which the road is being constructed shall, without cost to the state, cause, whenever it shall seem

necessary to the superintendent, the County Surveyor **Surveys.**
to make such surveys as may be necessary. The Board
of Penitentiary and Reformatory commissioners shall
cause the wardens of such institutions to furnish as
many convicts as may be practicably used by the said
superintendent, and the necessary guards shall be pro- **Guards.**
vided by the wardens, whose pay shall be at the rate of
forty-five dollars (\$45.00) per month and subsistence. The
Board of Penitentiary Commissioners, together with the
wardens and superintendent of roads, shall devise means
to establish headquarters at suitable points to operate **Headquarters.**
from. The work on said road shall be prosecuted during
the summer months. The Board of Penitentiary Com-
missioners shall issue vouchers, monthly, on the State **Vouchers issued**
Auditor in payment for services of guards, other em- **monthly.**
ployes and for material furnished. All purchases of ma-
terials shall be made by the superintendent. All ex-
pense of subsistence for guards, other employes and con-
victs shall be borne and furnished by the State of Colo-
rado, through the Board of Penitentiary Commissioners.

Sec. 2. There is hereby appropriated out of the in- **Appropriation.**
ternal permanent or income improvement fund, or out
of any moneys that may hereafter come into such fund
or either of them, for salary of superintendent for two **Superintendent.**
(2) years, twenty-four hundred dollars (\$2,400.00); eight
guards, sixteen (16) months each, during two (2) years, **Guards.**
six thousand four hundred dollars (\$6,400.00); four (4)
overseers, sixteen (16) months each, during two (2) years, **Overseers.**
thirty-two hundred dollars (\$3,200.00); plows, scrapers,
picks, shovels, steel hammers, giant powder, etc., five
hundred dollars (\$500.00); material for construction of **Material.**
culverts, one thousand dollars (\$1,000.00); teams and **Teams and**
wagons, twelve hundred dollars (\$1,200.00); one bridge **wagons.**
at Bray's crossing of the Arkansas in Chaffee County **Bridge.**
(the present bridge at this point having been built jointly
by the territory of Colorado and the county of Lake in
1872), one thousand five hundred dollars (\$1,500.00); for **Headquarters.**
establishment of headquarters as provided, two thousand
two hundred and sixty dollars (\$2,260.00).

Emergency.

Sec. 3. In the opinion of the General Assembly an emergency exists; therefore, this Act shall be in force and take effect from and after its passage.

Approved April 22, 1899.

CHAPTER 64.

APPROPRIATION—LORRAINE W. STRYCKER.

(H. B. No. 105, by Mr. Steele.)

AN ACT

FOR THE RELIEF OF LORRAINE W. STRYCKER.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.

Section 1. That the sum of one hundred fifty dollars be and is hereby appropriated out of any funds in the state treasury, not otherwise appropriated, to be paid to Lorraine W. Strycker for his services as messenger in the state Senate for fifty (50) days in the special session of the legislature beginning in January, 1894, together with the sum of $\$45^{00}/_{100}$ additional as interest, a total of one hundred and ninety-five dollars ($\$195^{00}/_{100}$).

Emergency.

Sec. 2. In the opinion of the General Assembly an emergency exists, and this act shall take effect and be in force from and after its passage.

Approved April 22, 1899.

CHAPTER 65.

APPROPRIATION—TWELFTH GENERAL ASSEMBLY.

(S. B. No. 35, by Senator Seldomridge.)

AN ACT

TO PROVIDE FOR THE PAYMENT OF A PART OF THE EXPENSES OF THE TWELFTH GENERAL ASSEMBLY OF THE STATE OF COLORADO, AND PAYING EXPENSES OF THE INAUGURATION.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. There is hereby appropriated out of any Appropriation. money in the treasury not otherwise appropriated, for the purpose of paying a part of the expenses of the twelfth general assembly, the following amounts: For the per diem and mileage of members, the per diem of Salaries and officers, clerks and other employes, the sum of seventy- mileage. five thousand dollars; for expenses incurred by committees and the contingent expenses ordered by either house, Expenses. the sum of twelve thousand dollars, and two hundred dollars for inauguration expenses or as much thereof as Inauguration. shall be necessary.

Sec. 2. In the opinion of the general assembly an Emergency. emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved January 20, 1899.

CHAPTER 66.

APPROPRIATION—UNIVERSITY OF COLORADO.

(H. B. No. 207, by Mr. Drumm.)

AN ACT

TO PROVIDE MONEY FOR THE SUPPORT AND USE OF THE UNIVERSITY OF COLORADO AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado:

Appropriation.

Section 1. For the support and use of the University of Colorado for the years 1899 and 1900, there is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and ten thousand dollars (\$110,000.), in addition to the one-fifth mill levy as now provided by law.

Emergency.

Sec. 2. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 19, 1899.

CHAPTER 67.

APPROPRIATION—WAGON ROAD, GILPIN COUNTY.

(H. B. No. 208, by Mr. Hughes.)

AN ACT

TO PROVIDE, IMPROVE AND REPAIR A PUBLIC WAGON ROAD COMMENCING AT BLACK HAWK, GILPIN COUNTY, AND RUNNING SEVEN MILES WESTERLY TO THE TOWN OF APEX, THENCE SEVEN MILES WESTERLY TO THE TOWN OF NUGGET, THIS BEING THE MAIN THOROUGHFARE IN USE FROM THE TOWN OF NUGGET TO THE TOWNS OF BLACK HAWK AND CENTRAL CITY, AND TO APPROPRIATE THE NECESSARY AMOUNT OF MONEY FOR THAT PURPOSE.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. There is hereby appropriated out of any Appropriation. money belonging to the internal improvement fund, and not otherwise appropriated, the sum of three thousand dollars (\$3,000.00) or so much thereof as shall be necessary for the year 1899, to provide, construct and repair a public wagon road from the town of Black Hawk, Gilpin county, and running westerly fourteen miles to the town of Nugget, Gilpin county.

Sec. 2. The State engineer and the chairman of the Board composed board of county commissioners of Gilpin county shall of. constitute a board for the purpose of providing, constructing and repairing said wagon road, and they shall immediately, as soon as practicable, after the passage of this act, go over said road, ascertain what repairs are necessary to place the same in good condition as a serviceable wagon road, constructing new bridges and doing everything necessary and needful to repair and place the road in a good and serviceable condition, and shall then adver- Advertise for tise said work by contract if deemed advisable, and let bids.

Work examined
and certificate
of completion
issued.

the contract for the same to the lowest reliable and responsible bidder, and said work shall thereupon be carried on under the supervision and control of the said constituted board, and after said work or contract has been completed the said work is to be examined by the said State engineer and the said chairman of the board of county commissioners and upon their certificate that the said contract has been completed according to the terms of said contract, the amount of money appropriated under this act, or so much of it as may be necessary shall be paid over to the contractor.

Auditor draw
warrant.

Sec. 3. The state auditor is hereby authorized to draw a warrant or warrants, for the amount specified in section 1 of this act, or so much thereof as may be necessary from time to time upon the certificates of the State engineer and chairman of the board of county commissioners of Gilpin county, as herein provided.

Emergency.

Whereas, Said road is a public road of great utility to the people of the state of Colorado, and that the same is greatly out of repair and dangerous for public travel, and said road is used for a public thoroughfare between the towns of Black Hawk, Central City, Apex and Nugget; be it Resolved, That an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage.

Approved April 27, 1899.

CHAPTER 68.

APPROPRIATION—WAGON ROAD, GRAND COUNTY.

(H. B. No. 101, by Mr. Byron.)

AN ACT

TO CONSTRUCT A STATE WAGON ROAD FROM A POINT ON GRAND RIVER, IN GRAND COUNTY, ACROSS THE MAIN RANGE OVER BUCHANAN PASS, TO THE TOWN OF WARD IN BOULDER COUNTY, AND TO MAKE AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That in addition to the amount appropriated by act approved April 23, 1895, for the construction of the road herein described, there is hereby appropriated the further sum of seven (7) thousand five hundred dollars, out of any moneys in the internal improvement permanent fund not otherwise appropriated, for the purpose of constructing a wagon road in Grand and Boulder counties, upon the following described route, as near as practicable, to-wit: Commencing on the county road in Grand county leading from Hot Sulphur Springs to Grand Lake near the junction of the south fork of Grand river with Grand river; thence up and along the south fork of Grand river to the mouth of Arapahoe creek; thence by the most practicable route to the Buchanan pass; and thence by Beaver Park and the most practicable route to the town of Ward, in Boulder county.

Sec. 2. Said wagon road shall be surveyed and the route selected by the state engineer, as nearly as practicable in the route described in section 1 of this act.

Sec. 3. Said wagon road shall be constructed under the superintendence of the state engineer and the chair-

man [chairmen] of the board of county commissioners of Boulder County and of Grand County.

Auditor draw
warrant.

Sec. 4. That the state auditor be and is hereby authorized and directed to draw his warrant on the state treasurer for the sum of seven thousand five hundred dollars, or so much thereof as may be necessary, on certificate of the state engineer that such wagon road has been constructed.

Kept in repair
by.

Sec. 5. That after said road is constructed, as aforesaid, the counties of Grand and Boulder shall be at all expense of keeping said road in repair for the use of the public.

Emergency.

Sec. 6. Whereas, In the opinion of the general assembly, an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 27, 1899.

CHAPTER 69.

APPROPRIATION—WAGON ROAD, BEAR CREEK.

(H. B. No. 516, by Mr. Smith, of Jefferson.)

AN ACT

TO PROVIDE FOR COMPLETING THE CONSTRUCTION OF A WAGON ROAD BUILT ON THE HIGH LINE GRADE, TO AVOID WASHOUTS, ALONG THE COURSE OF BEAR CREEK, IN JEFFERSON COUNTY, BETWEEN THE TOWN OF MORRISON AND THE POST OFFICE AT EVERGREEN; AND TO APPROPRIATE THE NECESSARY MONEY TO PAY FOR THE SAME.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. There is hereby appropriated, out of any funds in the state treasury belonging to the internal improvement permanent and income funds, the sum of eight thousand dollars (\$8,000.) or so much thereof as

may be necessary for the purpose of completing the construction of a public wagon road between the town of Morrison and the Post Office at Evergreen, Jefferson county, Colorado, said road running along the course of Bear Creek in said county; said road as now partially constructed to be widened where the same may be deemed necessary and advisable, for the complete public safety, and the new portion of said road shall be constructed upon a high line grade similar to that portion of said road now partially completed by Jefferson County, said high line grade being necessary in order to provide against wash-outs and continual damage to said public highway. Road widened.
High line grade.

Sec. 2. Within ninety (90) days after this act shall become effective, the state engineer shall survey and locate said wagon road according to the requirements of section one (1) hereof, and shall make the necessary specifications for the construction of said road. Survey.

Sec. 3. The governor, together with the state engineer and the chairman of the board of County Commissioners of Jefferson County shall constitute the board for the purpose of constructing said road, the state engineer in making his survey, location and estimates for said construction, acting under said board's direction. Board composed of.

Sec. 4. It is hereby made the duty of said board as soon as this act takes effect and the said state engineer has completed his survey, location and estimates, within the ninety (90) days prescribed in section two (2), to advertise for thirty (30) days in not less than two (2) newspapers in said Jefferson county, calling for bids for the construction of said wagon road in accordance with the specifications prepared by the state engineer; and thereupon at the end of said thirty (30) days' advertisement, the said board shall open bids presented and let the contract to the lowest responsible bidder for the construction of said road; Provided, that in case the appropriation herein made is not sufficient to construct the entire high line grade of said road as above outlined and estimated by the state engineer, then said road shall be constructed to the extent of the appropriation made by this act. Advertise for bids.
If appropriation insufficient.

Contractor
furnish bond.

Sec. 5. The party or parties to whom said contract shall be let for constructing said road shall be required by said board to give a good and sufficient bond in double the amount of the contract price, conditioned upon the completion of said work according to contract.

Seventy per
cent. payment
each month.

Sec. 6. The said board of construction herein named is authorized and empowered to agree for the payment at the end of each month during the construction of said road of seventy (70) per cent of the contract price according to the proportion of said contract as has been completed at the end of each month, said estimates to be made by the state engineer and passed on by said board; and the auditor of the state is hereby authorized and directed to draw a warrant for the amount of such advances upon the vouchers of said contractor, certified to by the state engineer, and approved by the governor, after the board has passed on the same, showing that the amount allowed in each advance is for such agreed proportion of the work as has been completed according to the contract and accepted by the board; and when the contract shall have been fully completed and said work finished according to the contract and accepted by the board, the auditor of state is hereby authorized and directed to draw a warrant for the amount of balance then remaining unpaid, said warrant to be drawn upon a voucher of the contractor, certified to be the state engineer that the work has been finished according to contract, and accepted by the board, said voucher to be also approved by the governor.

Auditor draw
warrant for
advances.

When contract
completed,
auditor draw
warrant for
balance.

Public highway.

Sec. 7. When said wagon road is constructed it shall be a public highway and free to the use of all persons; and it shall be kept in repair thereafter by the County of Jefferson at its own expense.

Emergency.

Sec. 8. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 22, 1899.

CHAPTER 70.

APPROPRIATION—WAGON ROAD, CLEAR CREEK COUNTY.

(H. B. No. 74, by Mr. Farris.)

AN ACT

TO PROVIDE, IMPROVE AND REPAIR A PUBLIC WAGON ROAD COMMENCING AT EMPIRE, CLEAR CREEK COUNTY, AND RUNNING TEN MILES WESTERLY TO THE SUMMIT OF BERTHOUD PASS, THENCE WESTERLY SEVENTY-FIVE MILES THROUGH MIDDLE PARK, GRAND COUNTY, TO THE WESTERN BOUNDARY OF SAID COUNTY, THIS BEING NOW THE MAIN THOROUGHFARE IN USE FROM THE EASTERN TO THE NORTHWESTERN SECTION OF COLORADO, AND TO APPROPRIATE THE NECESSARY AMOUNT OF MONEY FOR THAT PURPOSE.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. There is hereby appropriated out of any Appropriation. money belonging to the Internal Improvement fund, and not otherwise appropriated, the sum of six thousand dollars (6,000.00), or so much thereof as shall be necessary for the year 1899, to provide, construct and repair a For 1899. public wagon road from Empire, Clear Creek County, and running westerly ten miles to the summit of Berthoud Route. pass: thence westerly, via Hot Sulphur Springs, seventy-five miles, to the western boundary of Grand County. One thousand dollars (1,000.00) being the amount appropriated to be applied on that portion of the road lying within the boundaries of Clear Creek county; five thousand (5,000) dollars being the amount appropriated to be applied to that portion of the road lying within the boundaries of Grand County; and the remaining appropriation, if any, to be applied in like manner in repairs on said road for the year 1900.

Board composed
of.

Sec. 2. The State Engineer and the Chairman [Chairmen] of the Boards of County Commissioners of Clear Creek and Grand counties shall constitute a board for the purpose of providing, constructing and repairing said wagon road, and they shall immediately, as soon as practicable after the passage of this act, go over said road, ascertain what repairs are necessary to place the same in good condition as a serviceable wagon road constructing new bridges and doing everything necessary and needful to repair and place the road in a thoroughly good and serviceable condition, and shall then advertise said work by contract if deemed advisable, and let the contract for the same to the lowest reliable and responsible bidder, and said work shall thereupon be carried on under the supervision and control of the said constituted board, and after said work or contract has been completed the said work is to be examined by the said Boards of County Commissioners and State Engineer and, upon their certificate that said contract or work has been completed according to its terms, shall be paid over to the contractor.

Advertise for
bids.

Work examined
and certificate
of completion
issued.

Repairs for 1900.

Sec. 3. For the year 1900 the State Engineer and the Chairmen of the Boards of County Commissioners of Clear Creek and Grand Counties shall likewise constitute a board for the purpose of keeping said road in repair, and in case any additional repairs are needed upon said road during that year in order to have the same open for traffic, the work may be contracted to the lowest reliable and responsible bidder, or otherwise performed in the same manner as for the year 1899, the work to be completed in the same way and payments to be made in the same way.

Payment made
upon certificate
of board.

Sec. 4. During each of said years the State Engineer and the Chairmen of the boards of County Commissioners shall constitute a board for the purpose of keeping said wagon road in repair during the whole of said years, and any repairs that may be needed during either of said years may be ordered at any time by said board, and upon their certificate payment shall be made for the same;

Provided, That in case any repairs become necessary in excess of the sum of one thousand dollars (\$1,000.00), the same shall be let by contract to the lowest reliable and responsible bidder in manner provided in sections two and three of this act, but all other repairs may be ordered by said board and the same shall be carried on under the supervision of said board.

Repairs in excess of \$1,000, let by contract.

Sec. 5. The State Auditor is hereby authorized to draw a warrant or warrants for the amount specified in section 1 of this act, or so much thereof as may be necessary from time to time, upon the certificates of the State Engineer and Chairmen of the boards of county Commissioners of Clear Creek and Grand Counties, as herein provided.

Auditor draw warrant.

Whereas, said road is a public road of great utility to the people of the State of Colorado, and was turned over to the people of Clear Creek and Grand counties in 1891, to be by them kept in repair, and, owing to the financial condition of Grand County, the county has been unable to keep said road in repair, so that the same is now greatly out of repair and dangerous for public travel, and said road is used for a public thoroughfare from all points in eastern Colorado to Middle park, North park and all northwestern Colorado; be it

Resolved, That an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage.

Emergency.

Approved April 20, 1899.

CHAPTER 71.

APPROPRIATION—WAGON ROAD, LA PLATA COUNTY.

(H. B. No. 371, by Mr. Burwell.)

AN ACT

TO CONSTRUCT AND REPAIR A PUBLIC WAGON ROAD IN THE COUNTY OF LA PLATA, COMMENCING AT PARROTT POST OFFICE AND RUNNING NORTHWARD ALONG THE RIGHT BANK OF THE LA PLATA RIVER, TO THE MOUTH OF SILVER LAKE BASIN CREEK, AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. There is hereby appropriated out of any money in the State Treasury belonging to the internal improvement fund or internal improvement income fund, and not otherwise appropriated, the sum of three thousand dollars (\$3.000) for the purpose of constructing and repairing a public wagon road in the County of La Plata from Parrott postoffice Northward along the right bank of the La Plata river to the mouth of Silver Lake basin.

Board composed of.

Sec. 2. The Governor, state engineer and chairman the board of county commissioners of La Plata county shall constitute a board for the purpose of constructing and repairing said road, and they shall as soon as practicable after the passage of this act, go over said road, ascertain what construction and what repairs are necessary to place the same in good condition as a serviceable wagon road, constructing new bridges and doing everything necessary and needful to repair and place the road in a good and serviceable condition, and shall then advertise said work by contract if deemed advisable, and let the contract for the same to the lowest responsible bidder, and said work shall there-upon [thereupon] be carried

Advertise for bids.

on under the supervision and control of said constituted board, and after said work or contract has been completed, the said work is to be examined by the said state engineer and the chairman of said board of county commissioners, and upon their certificate that the said contract has been completed, according to the terms of said contract, the amount of money appropriated under this act, or so much thereof as is necessary, shall be paid over to the contractor, and any money remaining to said appropriation not expended in settling with such contractor, shall be returned to the fund from which said appropriation was originally taken.

Work examined and certificate of completion issued.

Balance returned to fund.

Sec. 3. The state auditor is hereby authorized to draw a warrant or warrants for the amount specified in section 1 of this act, or so much thereof as may be necessary from time to time, upon the certificates of the Governor, state engineer and chairman of the board of county commissioners of La Plata county as herein provided.

Auditor draw warrant.

Sec. 4. Resolved, That an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage.

Emergency.

Approved April 28, 1899.

CHAPTER 72.

APPROPRIATION—WAGON ROAD, HINSDALE COUNTY.

(H. B. No. 50, by Mr. Uglow.)

AN ACT

TO CONSTRUCT A STATE WAGON ROAD FROM A POINT NEAR THE FOOT OF LAKE SAN CHRISTOVAL IN HINSDALE COUNTY TO A POINT OF INTERSECTION WITH THE SILVERTON AND ANIMAS FORKS WAGON ROAD NEAR ANIMAS FORKS AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. That the sum of eighteen thousand dollars or as much thereof as may be necessary be and the same is hereby appropriated out of any moneys in the Internal Improvement permanent fund not otherwise appropriated, for the purpose of constructing a wagon road in Hinsdale and San Juan counties upon the following described route, as near as practicable, to-wit: Commencing in Hinsdale county at a point near Argenta Falls, below Lake san Christoval [San Christoval], on the road now built up the Lake fork of the gunnison [Gunnison] river running thence from said point up said Lake Fork of the gunnison [Gunnison] river by the way of Sherman, thence running to Burrow's park, running thence on the most practicable route to intersect the present wagon road from Silverton to Animas forks in San Juan county, substantially along the route as already surveyed and layed [laid] out under the direction of the State engineer.

Route.

Board composed of.

Sec. 2. The State engineer, County surveyor and the Chairman of the Board of County Commissioners of the County of Hinsdale, together with a resident taxpayer from each of the counties of Hinsdale and San Juan

to be appointed by the Governor, to serve without compensation, are hereby constituted a board for the purpose of constructing said wagon road.

Sec. 3. The Auditor of State is hereby authorized to draw warrants for the payment of the expenses of building said wagon road upon vouchers certified to by the aforesaid board not exceeding the said sum of eighteen Thousand dollars (\$18,000). Auditor draw warrants.

Sec. 4. That after said road is constructed as aforesaid the counties of Hinsdale and San Juan shall be at all the expenses of maintaining and keeping said road in repair for the use of the public; each of said counties to maintain and keep in repair that part of said wagon road which is within its own boundaries. Kept in repair by.

Sec. 5. An emergency exists, in the opinion of the General Assembly; wherefore, this act shall be in force from and after its passage. Emergency.

Approved April 27, 1899.

CHAPTER 73.

APPROPRIATION—WAGON ROAD, CLEAR CREEK COUNTY.

(H. B. No. 381, by Mr. Elliott.)

AN ACT

FOR THE RECONSTRUCTION AND REPAIR OF THE WAGON ROAD EXTENDING FROM THE JEFFERSON COUNTY LINE, THENCE THROUGH CLEAR CREEK COUNTY TO THE TOWN OF EMPIRE THEREIN, AND TO BUILD A BRIDGE ON THE LINE THEREOF ACROSS NORTH CLEAR CREEK AT BIG BAR, TWO MILES FROM THE TOWN OF IDAHO SPRINGS, AND TO APPROPRIATE MONEY FOR THE SAME.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. There is hereby appropriated out of any money in the state treasury belonging to the internal improvement permanent fund, the sum of five thousand Appropriation.

Bridge.

dollars (\$5,000.00) for the purpose of repair and reconstruction of the public wagon road or main highway from the dividing of Jefferson and Clear Creek counties and therein to the town of Empire in Clear Creek county, and the construction of a wagon bridge of iron or steel across North Clear creek at Big Bar, about two miles from Idaho Springs, and upon the public highway as now established.

Board composed of.

Sec. 2. The State Engineer of this state and the board of county commissioners of Clear Creek county, shall be and are hereby made a board for the purpose of determining the changes that shall be made in the location and grades of said road and the character and extent of the necessary repairs and of locating and constructing said bridge.

Advertise for surveys, etc.

Advertise for plans and specifications for bridge.

Sec. 3. It is hereby made the duty of said board as soon as this act takes effect to advertise for and secure surveys and estimates and plans for said reconstruction and repairs of said road, and for plans and specifications for the construction of said bridge.

Advertise for bids.

Sec. 4. Upon the adoption of proper plans and specifications for road repairs and for a wagon bridge as aforesaid, it shall be the duty of such board to advertise for bids in accordance therewith, and thereupon they shall let the contract to the lowest bidder; Provided, That the contracts for road work and bridge construction may be segregated and contracted for under separate and distinct bids.

Public highway.

Sec. 5. Said bridge when constructed shall be a public highway and free to the use of all persons.

Kept in repair by.

Sec. 6. When constructed it shall be the duty of the county of Clear Creek to keep said bridge in repair at its own expense.

Auditor draw warrants.

Sec. 7. Upon the completion of the said road and the said bridge according to contract, the auditor of state is hereby authorized to draw warrants for the amount appropriated by section 1 of this act or so much thereof as may be necessary for the purpose of paying the amount due on said contract or contracts.

Approved April 27, 1899.

CHAPTER 74.

APPROPRIATION—WAGON ROAD IN YUMA COUNTY.

(H. B. No. 94, by Mr. Turney.)

AN ACT

TO PROVIDE FOR THE CONSTRUCTION OF A STATE WAGON ROAD FROM A POINT BEGINNING AT THE STATE LINE AS NEAR THE B. & M. R. R. AS PRACTICABLE, IN THE COUNTY OF YUMA, THENCE FOLLOWING, AS NEAR AS PRACTICABLE, THE LINE OF SAID RAIL-ROAD TO THE WESTERN LINE OF MORGAN COUNTY, AND TO MAKE AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That the sum of seven thousand five hundred dollars (\$7,500) be and the same is hereby appropriated out of any moneys in the internal improvement income fund, or the internal improvement permanent fund, not otherwise appropriated for the purpose of constructing a wagon road in Yuma, Washington, and Morgan Counties, upon the following described route, as near as practicable, to-wit: Commencing at the State line, as near the line of the B. & M. R. R., in the county of Yuma, as practicable, thence following as near as practicable the line of said railroad to the western line of Morgan county. Appropriation.

Sec. 2. Said wagon road shall be constructed under the supervision of the chairman [chairmen] of the boards of county commissioners of said counties, and the State engineer, each county receiving the sum of two thousand five hundred dollars (\$2,500) for the construction thereof as used for that purpose. Board composed of.

Sec. 3. That the State auditor be and is hereby authorized and directed to draw his warrants on the State Auditor draw warrants.

treasurer for the sum of two thousand five hundred dollars (\$2,500) for each of said counties, or so much thereof as may be necessary, on certificate of the boards of county commissioners of said counties, and the state engineer that such work is actually done.

Kept in repair
by.

Sec. 4. After said road is constructed as aforesaid, the counties of Yuma, Washington, and Morgan shall be at the expense of maintaining and keeping in repair such portion of said road as shall be situated in each of said counties, respectively.

Approved April 28, 1899.

CHAPTER 75.

APPROPRIATION—WAGON ROAD, DOUGLAS COUNTY.

(H. B. No. 368, by Mr. Briscoe.)

AN ACT

TO PROVIDE FOR THE CONSTRUCTION OF A PUBLIC WAGON-ROAD FROM A POINT BEGINNING AT THE MOST PRACTICABLE POINT NEAR WHERE JACKSON CREEK EMPTIES INTO WEST PLUM CREEK, DOUGLAS COUNTY, THENCE FOLLOWING THE MOST PRACTICABLE ROUTE, IN A SOUTHWESTERLY COURSE, TO CONNECT WITH THE PUBLIC ROAD ON TROUT CREEK, IN DOUGLAS COUNTY, AND TO MAKE AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. The sum of ten thousand dollars (\$10,000) is hereby appropriated out of any moneys in the internal improvement fund, not otherwise appropriated, for the purpose of constructing a wagon road in Douglas County, upon the following described route, as near as practicable; to wit:

Sec. 2. Commencing at the most practicable point ^{Route.} on the public road in Douglas County, leading from Denver to Colorado Springs, nere [near] where Jackson Creek empties into West Plume Creek; thence following the most practicable route, in the South-Westerly [south-westerly] direction to connect with a public wagon road on Trout Creek, in Douglas County.

Sec. 3. Said wagon road shall be surveyed and the ^{Survey.} route selected by the State Engineer in conformity with section 1 of this act.

Sec. 4. The Governor and the State Engineer of ^{Board composed} this State and the Chairman of the board of County Com- ^{of.} missioners of Douglas County shall be and are hereby constituted a board for the purpose of locating and constructing said road.

Sec. 5. Upon the adoption of proper plans and speci- ^{Advertise for} fications for wagon road as aforesaid, it shall be the duty ^{bids.} of said board to advertise for bids in accordance therewith, and thereupon they shall let the contract to the lowest responsible bidder.

Sec. 6. Such road when constructed, shall be a pub- ^{Public highway} lic highway, and free to the use of all persons.

Sec. 7. That after said road is constructed as afore- ^{Kept in repair} said, the County of Douglas shall be at all the expense ^{by.} of maintaining and keeping said road in repair for the use of the public.

Sec. 8. That the State Auditor be and is hereby au- ^{Auditor draw} thorized and directed to draw his warrant for the sum ^{warrant.} of ten thousand dollars (\$10,000) or so much thereof as may be necessary, on the certificate of the state engineer that said road has been constructed according to contract.

Sec. 9. In the opinion of the General Assembly an ^{Emergency.} emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 27, 1899.

CHAPTER 76.

APPROPRIATION—WAGON ROAD, CLEAR CREEK COUNTY.

(S. B. No. 339, by Senator Gallagher.)

AN ACT

FOR THE CONSTRUCTION OF A WAGON ROAD IN CLEAR CREEK COUNTY, FROM SILVER PLUME TO THE NORTH END OF GREEN LAKE, THENCE ALONG THE WEST SHORE OF GREEN LAKE, IN A SOUTHERLY DIRECTION, AND PASSING THE WEST SIDE OF CLEAR LAKE TO A POINT AT THE NORTH END OF WHAT IS KNOWN AS "M'KAY'S HAY RANCH," IN CLEAR LAKE GULCH, AND APPROPRIATING MONEY FOR THE PAYMENT OF THE SAME.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. There is hereby appropriated out of any money in the state treasury belonging to the internal improvement income fund, or internal improvement permanent fund, or any money that may be hereafter credited to these funds or either of them, the sum of five thousand dollars (\$5.000.), or so much thereof as may be necessary, for the purpose of constructing a wagon road over the most practicable route from Silver Plume to the north end of Green lake, in Clear Creek county, thence along the west shore of Green lake in a southerly direction and passing the west side of Clear lake to the north end of what is known as "McKay's Hay Ranch," in Clear Lake gulch.

Route.

Board composed of.

Sec. 2. The governor of the state, the state engineer, and the chairman of the board of county commissioners of Clear Creek county, shall be and are hereby constituted a board, to be designated as the board of construction, of which board the governor shall be chairman and the state engineer shall be secretary.

Sec. 3. It shall be the duty of the board, as soon as Survey.
may be after this act takes effect, to view the route of
said proposed road and cause a survey thereof to be
made, and determine the grade thereof; the board herein
provided for shall let a contract for the construction of
the same to the lowest bidder, and require a good and Contractor
sufficient bond from the party or parties contracting, in furnish bond.
the sum of five thousand dollars (\$5.000), conditioned for
the completion of the work in accordance with the con-
tract and plans and specifications;

Provided, That if the board shall determine, after If appropriation
examination and survey, that the road provided for in insufficient.
this act can not be constructed with the amount of
money herein appropriated, then in such case no part
of such appropriation shall be expended, except so much
thereof as may be necessary to defray the expenses which
may have been incurred by this board in making the
necessary examination and surveys, unless the board of
county commissioners of said Clear Creek county, or
other responsible parties, shall agree to furnish the
amount required in excess of this appropriation, and
shall furnish to the commission herein established satis-
factory evidence that such money will be forthcoming
on demand of such commission on the completion of said
road.

Sec. 4. When said work shall have been completed Auditor draw
according to the contract, and accepted by the said warrants.
board, the auditor of state is hereby authorized to draw
warrants for the amount appropriated by section one
(1) of this act, or so much thereof as may be necessary
for the purpose of paying the amount due on said con-
tract.

Sec. 5. In case there be no money in said fund or If no funds,
funds to meet the said appropriation, or any part thereof, treasurer draw
the State Treasurer is hereby authorized and directed warrants.
to pay the warrants drawn by the Auditor of State for
the amount herein appropriated, with valid State war-
rants invested in said fund or funds and said warrants
so invested shall be received by any and all contractors

of said work at par, with accrued interest thereon, in full payment of the contract price of said work, or any portion thereof, for the payment of which there may be no money in said fund or funds.

Public highway.

Sec. 6. Such road, when constructed, shall be and remain forever public highway and free to the uses of all persons.

Kept in repair by.

Sec. 7. When constructed, it shall be the duty of the County of Clear Creek to keep said road in repair at its own expense.

Balance appropriation returned to fund.

Sec. 8. In the event of a balance remaining to the credit of said appropriation, the money so appropriated, or balance thereof, as the case may be, shall be recovered back into the fund from which it was taken.

Emergency.

Sec. 9. Whereas, in the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved May 3, 1899.

CHAPTER 77.

APPROPRIATION—WAGON ROAD, DENVER TO GRAND JUNCTION.

(S. B. No. 1, by Senator Taylor.)

AN ACT

TO CONSTRUCT, IMPROVE AND REPAIR A STATE WAGON ROAD FROM THE CITY OF DENVER, ARAPAHOE COUNTY, COLORADO, TO THE CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO, WITH CERTAIN BRANCH ROADS THEREFROM, AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. There is hereby appropriated out of any moneys in the State treasury belonging to the internal improvement permanent or income fund, and out of any

money which may hereafter be credited to said fund, or either of them, and not otherwise appropriated, the sum of thirty-five thousand dollars, or so much thereof as may be necessary, for the purpose of constructing, improving and repairing a State Wagon road from the city of Denver, Arapahoe County, Colorado, to the city of Grand Junction, Mesa County, Colorado, upon the following described route, to wit:

Commencing at the south boundary line of said city of Denver and running thence southwesterly along the most practicable route through Arapahoe, Jefferson, Park and Chaffee counties in the State of Colorado, to the town of Buena Vista in said Chaffee county, thence northerly along the most practicable route up the Arkansas river through Chaffee and Lake counties via. Leadville to Tennessee pass, thence down the Eagle river through Eagle county to Grand river, thence down the Grand river along the most practicable route through Garfield and Mesa counties to the easterly boundary line of said city of Grand Junction. The said State road shall also have three main branches, which shall be considered a part thereof, and be constructed in the same manner as the other parts of said road; the first branch thereof shall start from said main line at or near the Salt Springs in Park county, Colorado, and run thence easterly along the most practicable route through Park and El Paso counties to the City of Colorado Springs in said El Paso County; the second branch of said road shall start from the station of Wolcott in said Eagle county and run thence northerly substantially along the present traveled stage road through Eagle and Routt counties to the town of Steamboat Springs in said Routt county; the third branch of said road shall start from the town of Rifle in said Garfield county and run thence northerly along the main traveled stage road through Garfield, Rio Blanco and Routt counties, via. Meeker to Bear river in said Routt county. The said most practicable route and the more definite location of said road and the branches thereof along the general course above in-

Route.

Branches.

State engineer
determine
route.

licated shall be determined by the state engineer, and which route shall, so far as practicable, be along the lines of regularly established and existing county roads.

If no funds,
treasurer draw
warrants.

Sec. 2. In case there be no money in said fund or funds to meet the said appropriation, or any part thereof, at the time of payment for said work or any part thereof, the state treasurer is hereby authorized and directed to pay the warrants drawn by the auditor of state, for the amount herein appropriated, with valid state warrants invested in said fund or funds, and said warrants so invested shall be received by any and all contractors of said work at par, with accrued interest thereon, in full payment of the contract price of said work or any portion thereof, for the payment of which there may be no money in said fund or funds.

Board composed
of.

Sec. 3. The governor of the state, the state engineer and the chairman of the board of county commissioners of each county traversed by said road or any branch thereof, are hereby constituted and designated as a board of construction for that portion of said road lying within each county respectively, and of each of which boards the governor shall be chairman and the state engineer shall be secretary.

Sixty per cent.
appropriation
for portion of
road.

Sec. 4. That of said sum hereby appropriated, not less than sixty per cent. of the amount expended shall be expended upon that portion of the said road and branches thereof lying within the counties of Eagle, Garfield, Mesa, Routt and Rio Blanco jointly.

Convict labor.

Sec. 5. That the work and labor herein provided for for the construction of said state wagon road shall be done and performed by citizens of Colorado; Provided, that the Board of Construction herein provided for is hereby authorized to use convict labor in the construction of such road or any portion thereof, in so far as it may be deemed practicable.

Sec. 6. It shall be the duty of the said respective Boards of Construction, as soon as may be practicable after this act takes effect, to view the route of said pro-

posed road and branches and cause a survey to be made Survey.
of such portions thereof as may be necessary, and to
make estimates of the necessary work to be done along
and throughout each of the counties traversed by said
road and the branches thereof, after which the said re-
spective boards shall advertise for bids for the comple- Advertise for
tion of such work; such advertisements to be inserted bids.
for thirty days in at least one newspaper published in
each respective county, for bids upon the work to be done
in said county, and said advertisements shall also be
inserted in one of the leading papers in the said cities
of Denver and Colorado Springs and the boards shall let
the respective contracts for the work to be done in each
county to the lowest responsible bidder, requiring from
the contractor a good and sufficient bond, conditioned for Contractor
the completion of said work according to contract. furnish bond.

Sec. 7. Upon completion of the construction, im-
provement or repair of the portion of said road lying
within each respective county, according to contract, and
the same being certified to by the said boards of con-
struction of said county, the auditor of state is hereby Auditor draw
authorized to draw warrants for so much of the amount warrants.
appropriated by Sec. 1 of this act as may be necessary
for the purpose of paying the amount due upon the con-
tract for the said work within such county.

Sec. 8. The governor may, in his discretion, desig- Governor may
nate some suitable person to act in his place. appoint substi-
tute.

Sec. 9. There shall be erected and thereafter main- Mile posts and
tained appropriate mile posts and guide boards along guide boards.
the entire length of said state road and its branches, and
when constructed, said road, shall be and remain forever Public highway.
a public highway and free to the use of all persons.

Sec. 10. When completed, it shall be the duty of Kept in repair
each respective county traversed thereby to keep that by.
portion of said road within its' boundaries in repair at
its' own expense.

Sec. 11. In the event of a balance remaining to the Balance of
credit of said appropriation, such balance shall be re- appropriation
covered back into the fund from which it was taken. returned to
fund.

Emergency.

Sec. 12. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved May 3, 1899.

CHAPTER 78.

APPROPRIATION—WAGON ROAD, WAGON WHEEL GAP.

(S. B. No. 116, by Senator Roe.)

AN ACT

TO PROVIDE A STATE WAGON ROAD FROM WAGON WHEEL GAP TO ONE MILE NORTH OF THE TOWN OF CREEDE, IN MINERAL COUNTY, BUILDING NECESSARY BRIDGES, PURCHASING AND COVERING WHAT IS KNOWN AS THE WAGON TOLL ROAD AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. The sum of twelve thousand dollar [dollars] (\$12,000), or so much thereof as may be necessary, be and is hereby appropriated out of any money in the Internal Improvement Permanent Fund or the Internal Improvement Income Fund or out of any moneys that may hereafter be credited to said fund or funds not otherwise appropriated, for the purpose of providing by purchase and construction a state wagon road, including the building of necessary bridges, on the following described route, to-wit:

Route.

Commencing at Wagon Wheel Gap, thence north through the town of Wason, north through the city of Creede, north through the town of Creede, to a point about one mile north of the town of Creede, in Mineral County, Colorado; Provided, that if on making a survey

and estimate of the cost of said wagon road and bridges, it is found that the amount herein appropriated is not sufficient to complete said wagon road and bridges, then If appropriation insufficient. no part of the appropriation herein provided for shall be used, except so much thereof as shall be necessary to pay for said survey and estimate, unless the Board of County Commissioners of Mineral County, or other responsible parties, shall furnish to the Commission herein provided for satisfactory evidence that such money shall be forth coming on the demand of such Commissioners, or the Contractor, on the purchase and completion of said road and bridges.

Sec. 2. Said wagon road and bridges shall be constructed and purchased under the superintendence of the Commission composed of. Governor, State Engineer and chairman of the Board of County Commissioners of Mineral County, who shall constitute a commission for that purpose.

Sec. 3. Upon the adoption of proper plans and specifications for wagon road and bridges as aforesaid, it Advertise for bids. shall be the duty of said board to advertise for bids in accordance therewith, and thereupon they shall let the contract to the lowest responsible bidder.

Sec. 4. Said road and bridges when constructed shall Public highway. be a public highway and free to the use of all persons.

Sec. 5. When constructed it shall be the duty of the Kept in County of Mineral to keep said road in repair at its own repair by. expense.

Sec. 6. The State Auditor be and is hereby authorized and directed to draw his warrant for the sum of Auditor draw warrant. twelve thousand dollars (\$12,000), or so much thereof as may be necessary, on certificate of the State Engineer that said road has been purchased and constructed according to contract. In case there be no money in said If no funds, fund or funds to meet the said appropriation, or any part treasurer draw warrants. thereof, the State Treasurer is hereby authorized and directed to pay the warrants drawn by the Auditor of State, for the amount herein appropriated, with valid state warrants invested in said fund or funds, and said

warrants so invested shall be received by said contractor at par with accrued interest thereon, in full payment of the contract price of said work or any portion thereof, for the payment of which there may be no money in said fund or funds

Emergency.

Sec. 7. In the opinion of the General Assembly an emergency exists; therefore, this act shall be in force and take effect from and after its passage.

Approved April 22, 1899.

CHAPTER 79.

APPROPRIATION—WAGON ROAD, BELLVUE.

(S. B. No. 445, by Senator Evans.)

AN ACT

TO WIDEN AND IMPROVE THE STATE WAGON ROAD EXTENDING FROM BELLVUE, LARIMER COUNTY, COLORADO, TO STEAMBOAT SPRINGS, ROUTT COUNTY, COLORADO, AND TO APPROPRIATE MONEY FOR THE PAYMENT OF THE SAME.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. The sum of six thousand dollars (\$6,000) be, and the same is hereby appropriated out of any moneys in the internal improvement permanent fund or internal improvement income fund, and out of any money that may hereafter be credited to said fund or either of them not otherwise appropriated, for the purpose of widening and improving the State wagon road extending from Bellvue, in the County of Larimer and State of Colorado, to Steamboat Springs, in the County of Routt and State of Colorado.

Sec. 2. The improvements upon said wagon road shall be made under the superintendence of the Governor, State Engineer, and the two chairman [chairmen] of the Boards of County Commissioners of Larimer and Routt Counties, who shall constitute a board for that purpose. Board composed of.

Sec. 3. After the State Engineer shall determine the work necessary to be done, the board herein provided shall let a contract or contracts for the completion of such work to the lowest bidder or bidders; Provided, That said board shall require good and sufficient bond from the party or parties contracting, for an amount equal to twice the amount of the bid or bids, for the completion of the work in accordance with the contract or contracts. Let contract to lowest bidder. Contractor furnish bond.

Sec. 4. In case there be no money in said fund or funds to meet the said appropriation, or any part thereof, the State treasurer is hereby authorized and directed to pay the warrants drawn by the Auditor of State for the amount herein appropriated, with valid State warrants invested in said fund or funds, and said warrants so invested shall be received by any and all contractors of said work at par, with accrued interest thereon, in full payment of the contract price of said work, or any portion thereof, for the payment of which there may be no money in said fund or funds. If no funds, treasurer draw warrants.

Sec. 5. When the said work shall have been completed according to the contract or contracts and accepted by said board, the Auditor of State is hereby directed to draw a warrant for the amount on the certificate of the State Engineer that the said work has been completed according to the contract or contracts, and that the same has been accepted by the board. Auditor draw warrant.

Sec. 6. Whereas, in the opinion of the General Assembly an Emergency exists; this act shall be in force and effect from and after its passage. Emergency.

Approved April 28, 1899.

CHAPTER 80.

APPROPRIATION—WAGON ROAD, TRINIDAD TO STONEWALL.

(S. B. No. 479, by Senator Barela.)

AN ACT

TO REPAIR AND WIDEN THE STATE WAGON ROAD FROM TRINIDAD TO STONEWALL, IN LAS ANIMAS COUNTY, AND TO STRENGTHEN AND PROTECT THE EMBANKMENTS OF THE PURGATORIE RIVER ALONG THE LINE OF SAID ROAD, AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado :

Appropriation.

Section 1. That there is hereby appropriated out of any money in the State treasury belonging to the Internal Improvement Fund, or the Internal Improvement Income Fund, or either of them, or any money that may hereafter come into said funds or either of them the sum of five thousand dollars, or so much thereof as may be necessary, for the purpose of repairing and widening the State wagon road from Trinidad to Stonewall, in Las Animas County, as constructed under an Act of the General Assembly approved April 24, 1889; and for strengthening and protecting the embankments of the Purgatorie River, where needed along the line of said road.

Board composed of.

Sec. 2. The State Engineer, County Surveyor of Las Animas County and the Chairman of the Board of Commissioners of Las Animas County, shall be and they are hereby constituted a Board to be designated as a Board of Inspection, of which the chairman of the Board of County Commissioners shall be Chairman, and the County Surveyor shall be Secretary.

Sec. 3. It shall be the duty of the Board, as soon as may be after this Act takes effect, to view said road,

river and embankments, make survey and estimates of the necessary work to be done, after which they shall advertise for bids for the completion of such work; such advertisement to be inserted for thirty days in at least three newspapers published in this State, and they shall let the contract or contracts to the lowest responsible bidders, requiring from the contractors good and sufficient bonds, conditioned for the completion of said work according to contract. Advertise for bids.

Sec. 4. When said work shall have been completed according to contract and accepted by said Board, they will certify the same to the Auditor of State; and said Auditor is hereby directed to draw a warrant or warrants for the amount. Auditor draw warrant.

Sec. 5. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage. Emergency.

Approved April 22, 1899.

CHAPTER 81.

APPROPRIATION—WAGON ROAD, MONTROSE COUNTY.

(S. B. No. 350, by Senator Buckley.)

AN ACT

TO CONSTRUCT A STATE WAGON ROAD FROM MONTROSE, MONTROSE COUNTY, COLORADO, TO A POINT ON THE SAN MIGUEL RIVER, NEAR NATURITA, AND TO APPROPRIATE MONEY FOR THE PAYMENT OF THE SAME.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. There is hereby appropriated out of any money in the state treasury, belonging to the internal improvement permanent or income fund or either of them or any moneys which may hereafter be credited to either Appropriation.

of said funds and not otherwise appropriated; the sum of seven thousand dollars (\$7,000.) or so much thereof as may be necessary to construct a wagon road, beginning at the town of Montrose, Montrose County, and running in a southwesterly direction and terminating at the bridge across the San Miguel River, one mile below the Naturita Post Office.

Route.

Sec. 2. Said road shall be built over the most practicable route, between the points mentioned in Section 1 of this act, and upon the best practicable grade, with a road bed not less than twelve (12) feet in width, besides the necessary turnouts; the route shall be determined and the grade established by a board of construction provided for in Section 3 of this act.

Board composed of.

Sec. 3. The chairman of the Board of county commissioners of Montrose county, the county surveyor of said county and the state engineer shall constitute a board of construction for the construction of said road, in conformity with this act.

Advertise for bids.

Sec. 4. The board of construction shall advertise for bids for the construction of said road in some weekly paper published in the county at least thirty (30) days prior to the letting of contracts, and shall award the same to the lowest bidder, who shall give a good and sufficient bond for the faithful performance of said contract.

Public highway.

Sec. 5. Said road when completed shall be a public highway and free to all vehicles and persons, and shall be kept in repair by the said county of Montrose.

Auditor draw warrant.

Sec. 6. Upon the completion of said road, and upon compliance with the terms herein imposed upon the board of construction provided for in Section 3 of this act, the state auditor is hereby authorized to draw a warrant or warrants for the amount specified in Section 1 of this act, or so much thereof as may be necessary for the purpose of paying for said road.

Sec. 7. In case there be no money in said fund or funds to meet the said appropriation or any part thereof,

the state treasurer is hereby authorized and directed to pay the warrants drawn by the auditor of state, for the amount herein appropriated, with valid state warrants invested in said fund or funds, and said warrants so invested shall be received by any and all contractors of said work at par, with accrued interest thereon, in full payment of the contract price of said work or any portion thereof, for the payment of which there may be no money in said fund or funds.

If no funds,
treasurer draw
warrant.

Sec. 8. In the opinion of the General Assembly an emergency exists; therefore, this act shall be in force from and after its passage.

Approved April 22, 1899.

CHAPTER 82.

AMENDMENT TO CONSTITUTION.

(S. B. No. 11, by Senator Taylor.)

AN ACT

TO SUBMIT TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO SECTION TWO (2), OF ARTICLE NINETEEN (XIX.) OF THE CONSTITUTION OF THE STATE OF COLORADO.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That there shall be submitted to the qualified electors of the State of Colorado, at the next general election for members of the General Assembly, for their approval or rejection, the following amendments to the constitution of the State of Colorado, which, when ratified by a majority of those voting thereon, shall be valid as a part of the constitution, namely: Section 2 of article XIX. of the constitution of the State of Colorado shall be so amended as to read as follows:

Amendment.

May be proposed, how.

Sec. 2. Any amendment or amendments to this constitution may be proposed in either House of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each House, such proposed amendment or amendments, together with the ayes and noes of each House thereon, shall be entered in full on their respective journals; the proposed amendment or amendments shall be published with the laws of that session of the General Assembly, and the Secretary of State shall also cause the said amendment or amendments to be published in full in not more than one newspaper of general circulation in each county, for four successive weeks previous to the next general election for members to the General Assembly; and at said election the said amendment or amendments shall be submitted to the qualified electors of the State for their approval or rejection, and such as are approved by a majority of those voting thereon shall become part of this constitution.

Published in not more than one newspaper in each county.

Submitted to electors.

Not more than six amendments submitted.

Provided, That if more than one amendment be submitted at any general election, each of said amendments shall be voted upon separately and votes thereon cast shall be separately counted the same as though but one amendment was submitted. But the General Assembly shall have no power to propose amendments to more than six articles of this constitution at the same session.

Form of voting.

Sec. 2. Each elector voting at said election and desirous of voting for or against said amendment, shall deposit in the ballot box his ticket whereon shall be printed the words "For the Amendment" and "Against the Amendment" and shall indicate his choice by placing a cross opposite one or the other of said groups of words.

Mode of canvassing.

Sec. 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined by the laws of the State for the canvass of votes for representatives in Congress.

Approved February 16, 1899.

CHAPTER 83.

BOARD OF AGRICULTURE.

(S. B. No. 197, by Senator Seldomridge.)

AN ACT

TO AMEND SECTION ONE (1) OF AN ACT ENTITLED, "AN ACT TO AMEND SECTIONS ONE (1) AND EIGHT (8) OF AN ACT ENTITLED, "AN ACT TO AMEND CHAPTER SEVEN (7) OF THE GENERAL LAWS, ENTITLED "AN ACT TO ESTABLISH A STATE BOARD OF AGRICULTURE, AND DEFINE ITS DUTIES." APPROVED APRIL 2, 1885.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That section one (1) of an Act entitled "An Act to amend sections one (1) and eight (8) of an Act entitled "An Act to amend chapter seven (7) of the General Laws, entitled "An Act to establish a State Board of Agriculture and define its duties," Approved April 2, 1885, be and the same is hereby amended so as to read as follows:

Section 1. Section one of an Act entitled "An Act to amend chapter seven of the General Laws, entitled "An Act to establish a State Board of Agriculture and define its duties," approved February 9th, 1881, is hereby repealed, and the following adopted in place thereof: Repeal.

Section 1. They shall meet at the State Agricultural College on the Wednesday preceding Commencement Day of said College, in June, and annually on the second Wednesday of December, and may meet at other times and places, at the call of the President, who shall have the power, in case of an emergency, to call special meetings of the Board; Provided, however, upon the written request of any three members of said Board, it shall be Board shall meet.

President shall
call special
meetings.

the duty of the President of said Board, to, and he shall call a special meeting thereof at such time and in such place as shall be designated in the written request therefor.

Emergency.

Sec. 2. In the opinion of the General Assembly an emergency exists; therefore, this act shall be in force and effect from and after its passage.

Approved April 4, 1899.

CHAPTER 84.

BOARD OF EQUALIZATION—POWERS AND DUTIES.

(S. B. No. 409, by Senator Ammons.)

AN ACT

IN RELATION TO THE POWERS AND DUTIES OF THE STATE
BOARD OF EQUALIZATION, AND TO REPEAL ALL ACTS OR
PARTS OF ACTS IN CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado :

Board of equal-
ization, powers
and duties.

Section 1. The State Board of Equalization, at its annual September meeting, shall adjust and equalize the valuation of real and personal property among the several Counties of the State, in such a manner as to secure a just valuation for taxation of all property, real and personal, and shall have the power to either increase or decrease the aggregate valuation of all taxable property not to exceed in any year five per cent, of such aggregate valuation and only as an incident to such equalization.

Repeal.

Sec. 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved April 14, 1899.

CHAPTER 85.

BRACES ON RIGHTS OF WAY.

(S. B. No. 138, by Senator Ammons.)

AN ACT

RELATING TO THE USE OF WIRE FOR BRACES ON RIGHT OF
WAY FOR PUBLIC ROADS.*Be it Enacted by the General Assembly of the State of Colorado :*

Section 1. It shall be unlawful for any telegraph or telephone company or corporation, or other company or corporation, or any person or persons, in using wire to brace any telegraph, telephone or other pole or post, to place such wire over any part of any right of way for public roads at a less distance than fifteen feet from the ground. Any corporation, person or persons who shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall, in the discretion of the court, be fined in any sum not to exceed fifty dollars for each offense.

Approved April 6, 1899.

CHAPTER 86.

CHATTEL MORTGAGES.

(H. B. No. 52, by Mr. Montgomery.)

AN ACT

IN RELATION TO CHATTEL MORTGAGES.

Be it Enacted by the General Assembly of the State of Colorado :

Mortgagor have
thirty days
after maturity
in which to pay.

Section 1. That whenever a chattel mortgage shall hereafter be executed, the mortgagee, his agent or attorney, shall be allowed thirty (30) days after the maturity of the debt secured by said chattel mortgage, in which to take possession of the mortgaged chattels, and such chattel mortgage shall, during such time, be good and valid, the same as if possession of such chattels had been taken upon maturity of the debt; and during said thirty days, or until possession is taken by the mortgagee, his agent or attorney, the mortgagor shall have the right to pay said debt, and upon payment the mortgage shall be discharged the same as if said debt had been paid at maturity.

Approved April 10, 1899.

CHAPTER 87.

CODE OF PROCEDURE.

(S. B. No. 72, by Senator Taylor.)

AN ACT

TO AMEND SECTION 272 OF AN ACT ENTITLED "AN ACT FOR AN ACT TO PROVIDE A CODE OF PROCEDURE IN CIVIL ACTIONS FOR COURTS OF RECORD IN THE STATE OF COLORADO, AND TO REPEAL ALL ACTS INCONSISTENT THEREWITH," APPROVED APRIL 7, 1887, AS AMENDED BY AN ACT ENTITLED "AN ACT TO AMEND SECTION 272 OF AN ACT TO PROVIDE A CODE OF PROCEDURE IN CIVIL ACTIONS FOR COURTS OF RECORD IN THE STATE OF COLORADO, APPROVED APRIL 7, 1887, AND TO REPEAL ALL ACTS INCONSISTENT THEREWITH," APPROVED APRIL 13, 1895, AND TO REPEAL ALL ACTS INCONSISTENT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That section 272 of an Act entitled "An Act for an Act to provide a code of procedure in civil actions for Courts of Record in the State of Colorado, and to repeal all acts inconsistent therewith," approved April 7, 1887, as amended by an act entitled "An act to amend section 272 of an act to provide a code of procedure in civil actions for Courts of Record in the State of Colorado, approved April 7, 1887, and to repeal all acts inconsistent therewith," approved April 13, 1895, be, and the same is hereby amended so as to read as follows:

"Sec. 272. In case possession may have been re-
covered under the action for possession of title brought
or prosecuted under the provisions of this chapter, the
plaintiff may bring his action for the rents and profits
thereof; and in such action the measure of damages shall
be the same as in actions for mesne profits at common

Amendment,
section 272, code
procedure.

Plaintiff bring
action.

Defendant have no offset. law; and in case such premises recovered be a lode, vein or mining claim, the defendant shall not be entitled to any offset for any timbering, cribbing, improvements or developments made upon the same; neither shall the damages be abated or lessened by reason of such improvements or developments.

Repeal.

Sec. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Not apply to cases pending in court.

Sec. 3. The provisions of this act shall not apply to any case now pending in any court of record, in which one trial may have been had before this act shall take effect.

Approved March 22, 1899.

CHAPTER 88.

CORPORATIONS.

(S. B. No. 164, by Senator Parks.)

AN ACT

TO AMEND THE ACT APPROVED FEBRUARY 18, 1881, TO AMEND CHAPTER XIX. OF THE GENERAL LAWS ENTITLED "AN ACT TO PROVIDE FOR THE FORMATION OF CORPORATIONS."

Be it Enacted by the General Assembly of the State of Colorado:

Railroads purchase or lease connecting lines.

Section 1. That Section 1 of the said act of February 18, 1881, is hereby repealed, and the following shall stand in lieu thereof as Section 1: Any railroad company organized or existing under the laws of this State, or under the laws of an adjoining state or territory, may lease or purchase any part or all of a railroad constructed by another company in or without this State, if the lines of roads of such companies are continuous or connected

and not competing or parallel, upon such terms and conditions as may be agreed upon between the companies, subject, always, to the existing laws of this State on the subject of corporations both domestic and foreign: but such lease or purchase shall not be deemed to exclude the jurisdiction of this State over the control or regulation of all railroads or parts of the same as are situated within the boundaries of the State. ^{State have jurisdiction.}

Sec. 2. That Section 2 of said act of February 18, 1881, is hereby repealed, and the following shall stand in lieu thereof as Section 2: No such lease or purchase shall be perfected until a meeting of the stockholders of the companies has been called for that purpose on thirty days notice to each stockholder, and in such manner as is provided for the annual stockholders meetings, and the holders of at least two-thirds of the stock of each Company, in person or by proxy, at such meeting, assent thereto. ^{Meeting of stockholders necessary to effect lease or purchase.}

Approved April 1, 1899.

CHAPTER 89.

CORPORATIONS—EXTEND TERM OF.

(S. B. No. 25, by Senator Porterfield.)

AN ACT

TO ENABLE CORPORATIONS TO EXTEND THE TERM OF THEIR INCORPORATION.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. When the term of years for which any corporation organized under the laws of this state has expired or is about to expire by lawful limitation, and such corporation has not been administered upon as an ^{May extend term.}

expired corporation, or gone into liquidation, or had any settlement of its affairs, it may have its term of incorporation extended and continued the same as if originally incorporated, as hereinafter provided.

Stockholders'
meeting.

Notice
published.

Notice mailed
to each stock-
holder.

Ballot.

File certificates.

Renewal.

Fee.

Sec. 2. Whenever the corporate life of any such corporation has expired or is about to expire, as aforesaid, a special meeting of the stockholders of said corporation may be called by stockholders owning at least ten per cent. of the entire capital stock of said company, and the notice of such meeting, stating the time and place thereof, and the purpose for which it is held, shall be published for four consecutive weeks in a newspaper printed nearest the place where the said corporation has kept its principal office, and likewise mailed to each stockholder of the company at least thirty days prior to the time fixed for the said meeting. At such meeting, the question of renewal shall be submitted to the votes of the stockholders of said company, provided a majority of the stock of the corporation be represented. The votes shall be taken by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in said company or holds proxies therefor; and if a majority of the entire outstanding capital stock of the company shall be in favor of a renewal of the corporation, the president and secretary of said company shall, under the seal of said company, certify the fact, and shall make as many certificates as may be necessary, so as to file one in the office of the recorder of deeds in each county wherein the company may do business, and one in the office of the Secretary of State; and thereupon the corporate life of said company shall be renewed for another term of not exceeding twenty years upon filing the declaration aforesaid, and all stockholders shall have the same rights in the new corporation, so extended, as they had in the company as originally formed; Provided, That such corporations shall pay to the Secretary of State the same fee as is now provided by law for filing new corporation papers; but the term of existence of any such corporation shall not be extended after the

period of one year from and after the expiration of its corporate existence, and the extension of the term of existence of any such corporation in the manner herein provided, shall not be so construed as to extend or renew any corporate franchises granted by any county or municipality possessed by such corporation nor to give to such corporation, during the extended term of its existence, any rights which such corporation would not have possessed had the same been incorporated as an original corporation at the date of the extension of the term of its existence; nor as enlarging any of the powers, privileges or franchises heretofore enjoyed by such corporation, provided that corporations still in active operation shall have the right to extend their corporate existence even though their charter has expired more than one year; Provided, further, That the provisions of this act shall not apply to a renewal of the charters of toll road companies.

No extension
after one year.

Not apply to
toll roads.

Approved April 11, 1899.

CHAPTER 90.

COUNTY INDEBTEDNESS—REFUNDING OF.

(S. B. No. 175, by Senator Taylor.)

AN ACT

TO ENABLE THE SEVERAL COUNTIES OF THE STATE TO REFUND THEIR BONDED INDEBTEDNESS, WHICH HAS, OR MAY HEREAFTER, MATURE, OR HAS, OR MAY HEREAFTER, BECOME PAYABLE AT THE OPTION OF THE COUNTY, BY ISSUING REFUNDING BONDS, PROVIDING FOR AN ELECTION, AND THE PAYMENT OF THE PRINCIPAL AND INTEREST AND THE REGISTRATION THEREOF, AND REPEALING CHAPTER 67 OF THE SESSION LAWS OF COLORADO, 1895 AND ALL CONFLICTING ACTS.

Be it Enacted by the General Assembly of the State of Colorado :

Commissioners
may issue re-
funding bonds.

Submit question
to vote, call
special election.

Section 1. That when any of the bonded indebtedness of any county in this State has or may hereafter, mature, or has, or may hereafter, become payable at the option of the Board of County Commissioners, and there shall not be funds in the Treasury of such County available for the redemption of such bonds, the Board of County Commissioners of such county may issue new bonds to be denominated refunding bonds, but the amount of such refunding bonds to be issued shall be determined by the Board of County Commissioners and a certificate of such determination made and entered in and upon the records of said Board prior to the issuance of the bonds. When the county commissioners of any county shall deem it necessary to issue refunding bonds, they shall submit the question to a vote of the people at a general election, or at a special election, which they are hereby empowered to call for that purpose, and they

shall cause to be posted a printed notice of such election in some conspicuous place in each voting precinct in the county for at least thirty days preceding the election, and they shall publish for the period of at least thirty days immediately preceding such election in some newspaper published within such county a notice that such question will be submitted to the duly qualified voters and all persons voting on the question shall vote by separate ballot whereon is placed the words "For Refunding County Indebtedness," or "Against Refunding County Indebtedness." Such ballot to be deposited in a separate ballot box provided by the County Commissioners for that purpose, and no person shall vote on the question for or against refunding County indebtedness unless the said person shall have the necessary qualifications of an elector as provided by law, and shall have paid a tax upon property assessed to him or her in such County for the year immediately preceding such election. The County Treasurer of such County shall make out and cause to be delivered to the judges of election in each election precinct in the County prior to the said election, a certified list of the taxpayers in such County who shall have paid taxes upon property assessed to them in such County in the year immediately preceding such election, and no person shall vote upon the question of the refunding of the County indebtedness unless his or her name shall appear upon such list. And if, upon canvassing the vote, which shall be canvassed in the same manner as the vote for county officers, it shall appear that a majority of all the votes cast are for refunding County indebtedness, then the county commissioners shall be authorized to issue refunding bonds in the name of the County; and any County which has submitted to a vote under the provisions of any law, the question of refunding all or any of its bonded indebtedness may, if a majority of all the legal votes cast at such election are in favor of refunding, issue bonds under the provisions of this act; Provided, such refunding bonds shall be payable at the option of the county ten years after date,

Vote by separate ballot and deposit in separate box.

Voter must be taxpayer.

Treasurer make certified list of taxpayers.

Commissioners authorized to issue bonds, how.

Bonds payable in not more than twenty years. and absolutely due and payable twenty years after date, and shall be of the denominations of one thousand dollars, five hundred dollars, or one hundred dollars, or all or either of such denominations as the circumstances of the case may require. The interest upon such refunding bonds shall be payable semiannually, [semi-annually] and at not to exceed the rate specified in the bonds to be refunded, and the principal shall be payable at the office of the County Treasurer of such County, and the semi-annual interest shall be payable at the office of the County Treasurer or at some place in the City of New York, at the option of the holder of such bonds.

Denominations.

Interest.

Where payable.

Disposition of bonds. Sec. 2. All such refunding bonds may be exchanged dollar for dollar for the bonds to be refunded, or they may be sold, as directed by the Board of County Commissioners of such county, and the proceeds thereof shall be applied only to the purpose for which the bonds were issued, but the same shall not be sold at less than their face value, nor shall they be issued until the outstanding bonds to be refunded have been called in and cancelled in an amount equal to or in excess of the bonds so issued; Provided, however, That all accrued interest on any such bonds to be refunded shall be paid before such refunding bonds are issued.

How payable. Sec. 3. The bonds issued by virtue of this act may be payable to bearer. The County Commissioners shall be authorized to prescribe the form of such bonds, and the coupons thereto, and such bonds shall recite the title of the act under which they are issued, shall be signed by the Chairman of the Board of County Commissioners, attested by the County Clerk, and countersigned by the County Treasurer, and shall bear the Seal of the County, and the coupons thereto annexed shall be signed by the County Treasurer, by original or lithographed signature, and for the half yearly interest accruing on such bonds actually issued and delivered, the County Commissioners shall levy annually a sufficient tax to fully discharge such interest; and for the ultimate redemption of such bonds, they shall levy annually after nine years from the

Form.

Contents.

Signed by.

Bear seal.

Commissioners levy tax.

date of such issuance, such tax upon all the taxable property in such county as will create a yearly fund equal to ten per cent. of the whole amount of such bonds issued, which fund shall be called the redemption fund, and all taxes for interest on and for the redemption of such bonds shall be paid in cash only, and shall be kept by the County Treasurer as a special fund to be used in payment of interest on and for the redemption of such bonds only and such tax shall be levied and collected as other taxes. Special fund.

Sec. 4. It shall be the duty of the County Treasurer, when there are sufficient funds in his hands to the credit of the redemption fund to pay in full the principal and interest of any such bonds, immediately to call in and pay as many of such bonds and accrued interest thereon as the funds on hand will liquidate, as hereinbefore provided, and such bonds shall be numbered consecutively from first to last and shall be paid in the order of their number; and when any bonds or coupons issued under this act are paid, it shall be the duty of such Treasurer to certify his action to the Board of County Commissioners, who shall cancel the same, so that they can be plainly identified and cause a record to be made of the same; and when it is desired to redeem any of such bonds, the County Treasurer shall cause to be published for thirty days, in some newspaper in the County, and in a newspaper published in the City of Denver, a notice that certain County bonds, by numbers and amounts, will be paid upon presentation, and at the expiration of thirty days from the date of the first publication of said notice, such bonds shall cease to bear interest. County treasurer shall call bonds, when.
Commissioners cancel bonds.
Treasurer publish notice.

Whenever the Board of County Commissioners of a County shall issue bonds under the provisions of this act, they shall enter in and upon the records of such board an order requesting the State Auditor to register the bonds in a book to be kept by him for that purpose, and, when so registered, the legality thereof shall not be open to contest by such County or any person or corporation for or on behalf of such County for any reason what- State auditor register bonds.

ever; and a certified copy of the order of the board so made and entered of record shall be furnished the State Auditor by the Board of County Commissioners, and thereupon it shall be his duty to register such bonds, and he shall receive a fee of ten cents for registering each bond.

Receive fee.

Repeal.

Sec. 5. That chapter 67 of the Session Laws of Colorado, 1895, and all acts and parts of acts in conflict herewith are hereby repealed.

Proviso.

Provided, That the repeal of said act or acts, shall in no wise affect any bonds issued under any, all, or either, of the acts repealed, but any and all such bonds are hereby ratified and validated.

Proceeding under former act, how completed.

Any and all proceedings heretofore had, or which are now being had and carried forward, under the acts hereby repealed, or any, all or either of them, to refund matured bonded indebtedness, or bonded indebtedness payable at the option of the County, may be carried forward completed and consummated, under this act, and the bonds contemplated by such procedure, may be issued and dealt with, to all intents and purposes, and with the same force and effect, as if all of said procedure was and were had under this act, anything in this, or any other law, to the contrary notwithstanding.

Emergency.

Sec. 6. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 18, 1899.

CHAPTER 91.

COUNTY JUDGES—INTERCHANGE OF.

(S. B. No. 28, by Senator McCreery.)

AN ACT

TO AUTHORIZE COUNTY JUDGES TO INTERCHANGE, HOLD COURT FOR EACH OTHER, AND PERFORM EACH OTHERS DUTIES.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That the county judges of the several counties of this state, with like privileges as the judges of the district courts of this state, may interchange with each other, hold court for each other, and perform each others duties, when they find it necessary or convenient;

Provided, That no additional charge or expense shall be incurred either to litigants or counties by reason of any such change of judges. ^{No additional charge incurred.}

Sec. 2. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage. ^{Emergency.}

Approved March 1, 1899.

CHAPTER 92.

COURTS OF REVIEW.

(S. B. No. 40, by Senator Taylor.)

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO COURTS OF REVIEW AND TO PROVIDE FOR THE APPOINTMENT AND SALARY OF JUDGES AND OTHER OFFICERS OF SAID COURT," APPROVED APRIL 6TH 1891.

Be it Enacted by the General Assembly of the State of Colorado :

Amendment.

Section 1. That section 4 of an act entitled "An Act in relation to courts of review and to provide for the appointment and salary of judges and other officers of said court," approved April 6th, 1891, be, and the same is hereby amended to read as follows:

Jurisdiction of court.

Sec. 4. The said court shall have jurisdiction:

Review judgments.

First. To review the final judgments of inferior courts of record in all civil cases and in all criminal cases not capital.

Final jurisdiction.

Second. It shall have final jurisdiction, subject to the limitations stated in subdivision 3 of this section, where the judgment, or in replevin the value found is two thousand five hundred dollars, or less, exclusive of costs.

Remove to supreme court.

Third. It shall have jurisdiction, subject to the right of any defendant in error, or appellee, to remove the case into the supreme court, as in this act provided, in cases where the controversy involves a franchise or freehold, or where the construction of a provision of the constitution of the state, or of the United States, is necessary to the decision of the case; also, in criminal

cases, or upon writs of error to the judgments of county courts. Writs of error from, or appeals to, the court of appeals shall lie to review final judgments, within the same time and in the same manner as is now or may hereafter be provided by law for such reviews by the supreme court.

Sec. 2. That section 15 of said act is hereby amended to read as follows:

Sec. 15. In any case, not by the terms of this act within the exclusive jurisdiction of the court of appeals, the suing out of a writ of error from, or the taking of an appeal to, the court of appeals, shall be deemed a waiver by the party or parties suing out such writ of error, or taking such appeal, of the right to sue out a writ of error from, or take an appeal to, the supreme court, in such case; and any such cause so brought into the court of appeals shall be transferred to the supreme court upon motion of the defendant in error or appellee, made within such time as such party may be by law or rule of court required to file a brief in the cause. A failure to make such motion within such time shall be deemed a waiver of the right of all such defendants in error or appellees to have the said judgment reviewed by the supreme court. Provided, That if the Court of Appeals shall deny the motion on the ground that the Supreme Court has no jurisdiction, and the Supreme Court shall, on writ of error to the final judgment of the Court of Appeals, determine that the motion should have been sustained, then there shall be no waiver. Any cause pending in the court of appeals at the date of the taking effect of this act, and which at said time has not been finally submitted for the determination of said court, and which, under the terms of the act to which this is an amendment, is not within the final jurisdiction thereof, may, by any party thereto, be removed into the supreme court at any time before or when the same is reached and ready to be set down upon the calendar of the said court for argument or submission, and that a failure so to do shall be deemed a waiver of the right

Remove to
supreme court.

to have the judgment of the Court of Appeals reviewed by the Supreme Court. When a case shall be transferred to the supreme court under the terms hereof, the same shall be for hearing in the supreme court the same as if originally taken there, and all bonds and other obligations shall remain in full force and effect. When any case is taken to the supreme court, all pleadings, abstracts, papers, briefs and other things pertaining to the case shall be transferred to the Supreme Court, and new briefs and abstracts shall not be required except by special rule, in particular cases.

New briefs.

Supreme court
review final
judgment.

Sec. 3. Nothing in this act contained shall be held to affect the right to sue out a writ of error from, or take an appeal to the Supreme Court to review any final judgment of the court of appeals rendered before the taking effect of this act, when such right would have existed had this act not been passed.

Repeal.

Sec. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

Emergency.

Sec. 5. Whereas, In the opinion of the general assembly, an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved March 24, 1899.

CHAPTER 93.

DOCKING HORSES TAILS.

(S. B. No. 146, by Senator Thomas.)

AN ACT

TO PREVENT THE DOCKING OF HORSES TAILS, OR PROCURING THE SAME TO BE DOCKED; TO PREVENT THE IMPORTATION, OR BRINGING INTO THIS STATE, OF DOCKED HORSES: TO REQUIRE A REGISTRY OF ALL DOCKED HORSES, NOW IN THIS STATE; TO PREVENT THE USE OF UNREGISTERED DOCKED HORSES; AND TO PROVIDE A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. It shall be unlawful for any persons [person] or persons to dock the tail of any horse, within the state of Colorado, or to procure the same to be docked, or to import or bring into this state, any docked horse, or horses, or to drive, work, use, race, or deal in any unregistered docked horse, or horses within the state of Colorado.

Unlawful to dock horses' tails.

Sec. 2. Within 90 days after the passage of this act, every owner, or user of any docked horse, within the state of Colorado, shall register his or her docked horse, or horses, by filing in the office of the county clerk and recorder of the county in which such docked horse, or horses, may then be kept, a certificate, which certificate shall contain the name, or names of the owner, together with his, or her post office address; a full description of the color, age, size and the use made of such docked horse, or horses; which certificate shall be signed by the

Owner shall register docked horses.

Describe horse.

Clerk shall record certificate. owner, or his, or her agent. The county clerk shall number such certificates consecutively and record the same in a book, or register to be kept for that purpose only; and shall receive, as a fee for the recording of such certificate, the sum of fifty cents.

Prima facie evidence of docking.

Sec. 3. The driving, working, keeping, racing or using of any unregistered docked horse, or horses, after ninety days after the passage of this act, shall be deemed prima facia [facie] evidence of the fact, that the party driving, working, keeping, racing, or using such unregistered docked horse, or horses, docked the tail of such horse or horses.

Penalty.

Sec. 4. Any person, or persons violating any of the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine, in a sum not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in county jail, not less than thirty days, or more than ninety days for each offense; or by both such fine and imprisonment.

Approved April 6, 1899.

CHAPTER 94.

ELECTIONS.

(S. B. No. 2, by Senator Harris.)

AN ACT

TO PREVENT THE USE, AFTER THE PASSAGE OF THIS ACT, OF ANY EMBLEM, DEVICE OR PARTY DESIGNATION ON THE OFFICIAL BALLOT, AT ANY ELECTION IN THIS STATE, BY WHICH A VOTER MAY VOTE FOR MORE THAN ONE CANDIDATE BY PLACING A SINGLE CROSS (X) MARK ON THE BALLOT.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. From and after the passage of this act no emblem, device or party designation shall be used on the Official Ballot at any election in this state by which a voter may vote for more than one candidate by placing a single cross mark (X) on the ballot; Provided, that across the head of the ballot and just above the lists of nominations shall be printed the words "I hereby vote a straight.....ticket, except where I have marked opposite the name of some other candidate," and any voter desiring to vote a straight ticket may write within the blank space above provided for, the name of the party whose ticket he may wish to vote, and any ballot so cast shall be counted for all the nominees upon said ticket, except when the voter has marked opposite the name or names of any individual candidate of some other party, which individual marks opposite such individual candidate shall count for them, and shall not be counted for the candidates for the same office upon the ticket whose party name the voter has so filled in the blank at the head of the ticket. In case there are two or more candidates upon each ticket for offices bearing the same

Ballot shall not contain emblem. .

Head of ballot.

May vote straight ticket, how.

Ballot, how counted.

Individual marks.

name, when the voter fills in the party name, and also marks opposite a particular candidate upon some other ticket for that office, he shall draw a line through the name of the candidate upon the ticket he has filled in the party name of, which he does not wish counted by reason of his having voted for a candidate upon an opposite ticket for that office. In case the voter marks opposite the name of a candidate where there is more than one candidate upon each ticket for offices bearing the same name, and does not draw a line through the name of any candidate upon the ticket he has filled in the party name of, such special mark opposite the individual candidate shall not be counted.

Shall not count marks, when.

Repeal.

Sec. 2. All acts and parts of acts in conflict with this act are hereby repealed.

Emergency.

Sec. 3. Whereas in the opinion of the General Assembly an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved May 3, 1899.

CHAPTER 95.

EVIDENCE—ADMISSION OF.

(S. B. No. 13, by Senator Whitford.)

AN ACT

REGULATING THE ADMISSION OF EVIDENCE IN CIVIL ACTIONS.

Be it Enacted by the General Assembly of the State of Colorado:

Examination.

Section 1. A party to the record of any civil action or proceeding, or a person for whose immediate benefit such action or proceeding is prosecuted or defended, or the directors, officers, superintendent or managing agents of any corporation, which is a party to the record in

such action or proceeding, may be examined upon the trial thereof, as if under cross-examination at the instance of the adverse party or parties or any of them, and for that purpose may be compelled in the same manner and subject to the same rules for examination as any other witness to testify, but the party calling for such examination shall not be concluded thereby, but may rebut it by counter testimony.

Approved March 1, 1899.

CHAPTER 96.

EXEMPTIONS.

(S. B. No. 353, by Senator Thomas.)

AN ACT

CONCERNING EXEMPTIONS.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. The following property, when owned by any citizen of the State of Colorado, in addition to the property now exempt by law, shall be exempt from levy and sale upon any execution or writ of attachment or distress for rent, and shall continue so exempt, to wit: **Bicycle and sewing machine exempt.**
One bicycle and one sewing machine.

Approved April 8, 1899.

CHAPTER 97.

FUNDING BONDS.

(S. B. 235, by Senator Taylor.)

AN ACT

TO ENABLE THE SEVERAL COUNTIES OF THE STATE TO ISSUE BONDS IN SATISFACTION OF JUDGMENTS, PROVIDING FOR AN ELECTION, AND THE PAYMENT OF THE PRINCIPAL AND INTEREST AND THE REGISTRATION THEREOF; AND REPEALING ALL ACTS AND PARTS OF ACTS, INCONSISTENT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado:

Judgment
rendered.

If no funds.

County commis-
sioners issue
funding bonds.

Call election.

Post printed
notice thirty
days.

Section 1. That where a judgment has been or may be rendered against any County in this State in any of the Courts of Record, and there are not funds in the Treasury of such County available for the payment of such judgment, the Board of County Commissioners of such County may issue bonds in satisfaction of such judgment and accrued interest thereon, dollar for dollar, to be denominated funding bonds, but the amount of such bonds to be issued shall be determined by the Board of County Commissioners and a certificate of such determination, made and entered in and upon the records of said Board prior to the issuance of the bonds. When the County Commissioners of any County shall deem it necessary to issue such bonds, they shall submit the question to a vote of the people at a general election, or at a special election, which they are hereby empowered to call for that purpose, and they shall cause to be posted a printed notice of such election in some conspicuous place in each voting precinct in the County for at least thirty days preceding the election and they shall publish for the period of at least thirty days immediately preced-

ing such election in some newspaper published within such county a notice that such question will be submitted to the duly qualified voters and all persons voting on the question shall vote by separate ballot whereon is placed the words "For funding County indebtedness", or "Against funding County indebtedness." Such ballot to be deposited in a separate ballot box provided by the County Commissioners for that purpose, and no person shall vote on the question for or against funding County indebtedness unless the said person shall have the necessary qualifications of an elector as provided by law, and shall have paid a tax upon property assessed to him or her in such County for the year immediately preceding such election. The County Treasurer of such County shall make out and cause to be delivered to the Judges of election in each election precinct in the County prior to the said election, a certified list of the tax payers in such County who shall have paid taxes upon property assessed to them in such County in the year immediately preceding such election, and no person shall vote upon the question of the funding of the County indebtedness unless his or her name shall appear upon such list. And if, upon canvassing the vote, which shall be canvassed in the same manner as the vote for County officers, it shall appear that a majority of all the votes cast are for funding County indebtedness, then the County Commissioners shall be authorized to issue funding bonds in the name of the County: Provided, such funding bonds shall be payable at the option of the County ten years after date, and absolutely due and payable twenty years after date, and shall be numbered consecutively from first to last and shall be of the denominations of one thousand dollars, five hundred dollars, or one hundred dollars, or all or either of such denominations as the circumstances of the case may require; The interest upon such funding bonds shall be payable semi-annually, and at not to exceed five per centum per annum, and the principal shall be payable at the office of the County Treasurer of such County, and the semi-annual interest shall be payable at the office of

Publish notice in county thirty days.

Ballot.

Voter must be taxpayer.

County treasurer deliver to judges of election certified list taxpayers.

Canvass vote.

Commissioners issue bonds.

Proviso.

Denomination.

Interest.

Principal payable.

the County Treasurer or at some place in the City of New York, at the option of the holder of such bonds.

Bonds may be exchanged or sold at not less than par.

Proviso.

Bonds payable to bearer.

Form.

Coupons.

Levy tax for interest.

Levy tax for redemption of bonds.

Special fund.

Sec. 2. All such bonds may be exchanged dollar for dollar for the judgment or judgments funded and accrued interest thereon, or they may be sold, as directed by the Board of County Commissioners of such County, and the proceeds thereof shall be applied only to the purpose for which the bonds were issued, but the same shall not be sold at less than their par value, Provided, always, that no bonds shall be issued in satisfaction of any judgment rendered in any court of record in this State on warrants issued subsequent to the passage of this Act.

Sec. 3. The Bonds issued by virtue of this Act may be payable to bearer. The County Commissioners shall be authorized to prescribe the form of such bonds, and the coupons thereto, and such bonds shall recite the title of the Act under which they are issued, shall be signed by the chairman of the Board of County Commissioners, attested by the County Clerk, and countersigned by the County Treasurer, and shall bear the seal of the County, and the coupons thereto annexed shall be signed by the County Treasurer, by original or lithographed signature. And for the half yearly interest accruing on such bonds actually issued and delivered, the County Commissioners shall levy annually a sufficient tax to fully discharge such interest; and for the ultimate redemption of such bonds, they shall levy annually after nine years from the day of such issuance, such tax upon all the taxable property in such County as will create a yearly fund equal to ten per cent. of the whole amount of such bonds issued, which fund shall be called the redemption fund, and all taxes for interest on and for the redemption of such bonds shall be paid in cash only, and shall be kept by the County Treasurer as a special fund to be used in payment of interest on and for the redemption of such bonds only and such tax shall be levied and collected as other taxes.

Sec. 4. It shall be the duty of the County Treasurer, when there are sufficient funds in his hands to the credit

of the redemption fund to pay in full the principal and interest of any such bonds, immediately to call in and pay as many of such bonds and accrued interest thereon as the funds on hand will liquidate, as here-in-before [hereinbefore] provided, and such bonds shall be paid in the order of their number; and when any bonds or coupons issued under this Act are paid, it shall be the duty of such Treasurer to certify his action to the Board of County Commissioners, who shall cancel the same, so that they can be plainly identified, and cause a record to be made of the same: and when it is desired to redeem any of such bonds, the County Treasurer shall cause to be published for thirty days, in some newspaper in the County, and in a newspaper published in the City of Denver, a notice that certain County bonds, by numbers and amounts, will be paid upon presentation, and at the expiration of thirty days from the date of the first publication of said notice, such bonds shall cease to bear interest. Whenever the Board of County Commissioners of a County shall issue bonds under the provisions of this Act, they shall enter in and upon the records of such Board an order requesting the State Auditor to register the bonds in a book to be kept by him for that purpose, and, when so registered, the legality thereof shall not be open to contest by such County or any person or Corporation for or on behalf of such County for any reason whatever; and a certified copy of the Order of the Board so made and entered of record shall be furnished the State Auditor by the Board of County Commissioners, and thereupon it shall be his duty to register such bonds, and he shall receive a fee of ten cents for registering each bond.

When sufficient funds, treasurer call in and pay bonds.

Commissioners cancel bonds.

Treasurer publish notice of redemption of bonds thirty days.

Interest cease, when.

State auditor register bonds when issued.

Fee.

Sec. 5. All Acts and parts of Acts inconsistent herewith are hereby repealed. Repeal.

Sec. 6. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage. Emergency.

[NOTE—This bill was filed with the Secretary of State without the Governor's signature and without his objections on May 3, 1899, and hence became a law under Art. IV., Sec. 11 of the Constitution.

CHAPTER 98.

GAME AND FISH.

(S. B. No. 148, by Senator Smith.)

AN ACT

TO PROTECT GAME AND FISH.

Be it Enacted by the General Assembly of the State of Colorado :

Division A. Department Created—Commissioner and Wardens—Powers and Duties—Ownership of Game and Fish—General Provisions.

Governor
appoint com-
missioner.

May remove for
cause and fill
vacancy.

Term two
years, expires
February 1.

Salary.
Traveling
expenses not
exceed.

Bond.

Section 1. The department of game and fish is hereby created. Immediately upon the passage of this act, and every two years thereafter, the governor shall, by and with the consent of the senate, appoint some person skilled in matters relating to game and fish, to be the state game and fish commissioner, who shall be the head of the department. The governor may at any time remove the commissioner for cause, and in vacation of the senate may fill any vacancy in the office by appointment in writing, filed with the secretary of state. The commissioner shall be a resident and citizen of this state, and shall hold his office for the term of two years, or until his successor shall be appointed and qualified. All such appointments shall expire on February 1. The commissioner shall receive a salary of \$1,800 per annum, together with his reasonable and necessary traveling expenses, not exceeding \$600 per annum.

Sec. 2. Before entering upon the duties of his office, the commissioner shall give a bond to the State of Colo-

rado in the sum of \$5,000, for the faithful performance of such duties, with sureties to be approved by the auditor of state, the same to be filed with the secretary of state, and he shall also take and file an oath similar to that required of other state officers.

Sec. 3. The commissioner shall be provided with an office at the state capitol, and with suitable furniture, stationery and other facilities for the transaction of the business of his department. He may appoint a clerk at a salary not exceeding \$1000. per annum, and may at any time remove said clerk and appoint a successor.

Sec. 4. The commissioner may in writing appoint and keep in service not more than five chief game wardens, who shall be residents and citizens of this state, such appointments to be filed with the state auditor. Each chief warden shall receive a salary of \$900 per annum, and his reasonable and necessary traveling expenses, not exceeding \$300 per annum. If deemed necessary for the proper enforcement of this act, the commissioner may, with the approval of the governor, appoint deputy game wardens for a limited time, and not exceeding ten in number at any one time, at a compensation not exceeding \$100 per month, each, while actually engaged in duty, which shall be in full for services and ordinary expenses. The commissioner may also appoint special game wardens, to serve without pay, who shall have the same powers as deputy wardens. The commissioner may revoke the commission of any warden, and appoint his successor at pleasure.

Sec. 5. The commissioner shall publish in pamphlet form, for general distribution, the laws relating to game and fish, at an expense not exceeding \$200.

Sec. 6. The commissioner may also by writing filed in the office of the secretary of state, appoint a superintendent of state fish hatcheries, who shall be skilled in fish culture, and who shall hold his office for the term of two years, subject to the power of the commissioner to remove him at any time, and to appoint a successor in like manner. The superintendent shall receive a salary

Compensation. of \$1,200. per annum, and his reasonable and necessary traveling expenses, not exceeding \$400 per annum. The
Assistant superintendents. commissioner may also appoint an assistant superintendent at each of the operative fish hatcheries of the state, at a salary of \$900 per annum, each; Provided, That the salary of the assistant at the Denver hatchery shall be \$1,200 per annum.

Rules. Sec. 7. The commissioner shall have power to prescribe such rules, regulations and forms as may be required to carry out the true intent of this act, and not inconsistent herewith.

Moneys received constitute a game fund. Sec. 8. Except as herein otherwise specially provided, all moneys received under this act by a warden shall be paid over to the commissioner. Those received by the commissioner shall be paid over monthly to the state treasurer, and those received by the state treasurer, from whatever source, under the provisions hereof, shall constitute a game fund, and be used exclusively for the payment of the salaries and expenses incurred as provided herein, and in the event such fund shall at any
Deficiency, how paid. time prove insufficient, the deficiency shall be paid out of any moneys in the state treasury, in the same manner as those of other state officers, and such appropriations shall be made as may be necessary therefor. Payments
Payments made monthly. of salaries and expenses shall be made monthly upon verified accounts in detail, approved by the commissioner and governor, and warrants drawn by the auditor of state.

Duty of commissioner and wardens. Sec. 9. It shall be the duty of the commissioner and chief wardens to devote their entire time to the performance of the duties specified in this act, and to cause prosecutions to be instituted and conducted for the punishment of violations thereof. In the performance of their duties the commissioner and wardens shall have all the rights and powers, throughout the state, of sheriffs and constables in their respective counties, except as herein otherwise provided.

Commissioner make report. Sec. 10. The commissioner shall biennially make to the governor a report of the transactions of his depart-

ment which shall contain an account of the work done, of moneys expended and recommendations for future work, the cost of said report not to exceed \$200.

Sec. 11. The commissioner and every warden throughout the state, and every sheriff and constable in his respective county, is authorized and required to enforce this act and seize any game or fish taken or held in violation of this act, and he shall have full power and authority, and it shall be the duty of every such officer, with or without a warrant, to arrest any person whom he has reason to believe guilty of a violation thereof; and with or without a warrant, to open, enter and examine all camps, wagons, cars, stages, tents, packs, warehouses, stores, outhouses, stables, barns, and other places, boxes, barrels, and packages where he has reason to believe any game or fish taken or held in violation of this act, is to be found, and to seize the same; Provided, That a dwelling house actually occupied can be entered for examination only in pursuance of a warrant.

Officers shall enforce.

Sec. 12. Where game or fish while being transported, is seized under this act, the officer making such seizure shall have authority, upon payment of reasonable compensation therefor, to also take possession of and use any animals and vehicles used in such transportation for the purpose of conveying the game or fish seized to a convenient railroad station or place of safe keeping or sale, and also for conveying any person arrested for the unlawful possession of such game or fish to a place of hearing or trial, and no liability shall attach to such officer by reason thereof, but this section shall not apply to any animal or vehicle while being used as a public conveyance for passengers or mails, or to any railroad car.

Officers may use animals and vehicles for conveyance.

No liability shall attach.

Sec. 13. In case Indians or other persons shall engage in the hunting or killing of game or fish in violation of this act, in such number as to be beyond the reasonable power of the commissioner or any chief warden to control, or in case of forcible resistance to the enforcement thereof, it shall be the duty of the sheriff of the county in which such violation exists, upon demand of

Persons called on shall assist commissioner to enforce.

the commissioner or any chief warden, to aid him in the enforcement of this act, and to call to his assistance at once a sufficient number of persons to enforce the same, promptly and effectually, or, if by him deemed necessary, said commissioner or chief warden may, call such assistance without the intervention of the sheriff. The failure, without good cause, of any person called to assist in such enforcement, to respond and render such assistance shall be deemed a violation of this act.

Failure.

Fires.

Sec. 14. No person shall set fire to any timber or grass on land belonging to this state or to the United States, or set fire in any place where it is liable to spread to such timber or grass, nor leave any camp fire unextinguished, and every officer having authority in relation to timber or timber reserves of the United States shall have the same authority under this act as a deputy warden.

Timber officers
may arrest.

Commissioner
bring civil
action.

Sec. 15. The commissioner may, if he so elect, bring and maintain a civil action in the name of the people of the state for the possession of any game or fish taken, killed or held in violation of this act, or for the value thereof, against any person in possession or exercising control over the same, and if required by the commissioner, a writ of replevin shall issue therein without bond. No previous demand for possession shall be necessary. In case costs or damages are adjudged in favor of the defendant, the same shall be paid out of the game fund. Neither the pendency of such action nor of a criminal prosecution for the same taking, killing or possession, shall be a bar to the other, nor shall anything in this section affect the right of seizure under the other provisions of this act.

Costs.

Shall not bar.

Game and fish
property of
state.

Sec. 16. All game and fish now or hereafter within this state not held by private ownership, legally acquired, and which for the purposes of this act shall include all the quadrupeds, birds and fish mentioned in this act, are hereby declared to be the property of the state, and no right, title, interest or property therein can be acquired or transferred, or possession thereof had or maintained except as herein expressly provided.

Sec. 17. As used in this act, and unless otherwise specifically restricted or enlarged, the word game includes all the quadrupeds and birds, and the word fish includes all the fish (except white salmon, suckers, carp and squaw fish) mentioned herein, and now or hereafter within this state and not held by private ownership legally acquired. Definition game and fish.

Sec. 18. As used in this act, unless otherwise specifically restricted or enlarged, the words herein and hereof refer to the whole act; the words person, owner, proprietor, grantee, lessee or licensee include a firm, association, corporation or municipality; the word commissioner means the state game and fish commissioner; the word warden or wardens includes the chief wardens, deputy wardens and special wardens provided for herein; the word officer includes every person authorized to enforce this act; and whenever the possession, use, importation, transportation, storage, taxidermy, sale, offering or exposing for sale of game or fish is prohibited or restricted, the prohibition and restriction shall, where not specifically otherwise provided, extend to and include every part of such game or fish, and a violation as to each individual animal or part thereof shall be a separate offense, and two or more offenses may be charged in the same complaint, information or indictment, and proof as to a part of an animal shall be sufficient to sustain a charge as to the whole of it; and violations as to any number of animals of the same kind may be charged in the same count and punished as a separate offense as to each animal. Terms defined.

Sec. 19. The possession at any time of game or fish unaccompanied by a proper and valid license, certificate, permit or invoice, as herein provided, shall be prima facie evidence that such game or fish was unlawfully taken and is unlawfully held in possession, and it shall be the duty of every person having the possession or control of game or fish to produce the proper license, certificate, permit or invoice, when one is required by this act, on demand of any officer, and to permit the same to be inspected and copied by him. Possession as evidence.

Commissioner
may remove,
when.

Sec. 20. Nothing in this act shall prevent the commissioner from taking or authorizing the taking from any of the waters of this state, at any time, and in any manner, and fish or spawn belonging to the state for the purpose of propagation or stocking other waters, or exchanging with the fish commissioners of other states or of the United States, but no such fish or spawn shall be taken or used for propagation in or stocking of any private lake except on payment therefor to the commissioner, nor shall anything herein prohibit the purchase, sale and use of small fry and fish eggs for stocking waters in this state, but no small fry or eggs of fish destructive of trout shall be placed in public waters without the consent of the commissioner.

Warrant.

Sec. 21. In case of a violation of this act by a corporation, the warrant of arrest may be read to the president, secretary or manager in this state, or any general or local agent thereof in the county where the action is pending, and upon the return of such warrant so served, the corporation shall be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of such corporation, but this section shall not be deemed to exempt any agent or employe from prosecution.

Fine collected.

Commissioner
notify warden
of revocation.

Sec. 22. In case the commissioner shall revoke the commission of a warden he shall immediately notify him in writing, and it shall be the duty of the person whose commission is revoked immediately on receipt of such notice to mail such commission to the commissioner at Denver, and to refrain thereafter from acting or assuming to act as a warden.

Penalty for
violation.

Sec. 23. If the holder of any license, certificate or permit shall persistently or flagrantly and knowingly violate or countenance the violation of any provision of this act, such license, certificate or permit shall be revoked by the commissioner after due notice given of the alleged violation and an opportunity afforded to appear and show cause against the same.

**Division B. General Regulations—Open Seasons—
 Number—Quantity.**

Section 1. No person shall at any time of the year, or in any manner, pursue, take, wound or kill any bison, buffalo, elk, deer, antelope, mountain sheep or beaver, or any of the following wild birds, viz: Turkey, prairie chicken, sage chicken, grouse, quail, pheasant, partridge, ptarmigan, duck, goose, brant, swan, crane, water fowl, pigeon, dove, snipe or curlew, or any trout, white fish, grayling, sunfish, bass, catfish, wall-eyed pike or other food fish, or sell, offer or expose for sale or have the same in possession, except as permitted by this act; Provided, The prohibition in this section as to beaver shall not extend to such beaver as interfere with the operation or maintenance of any canal, ditch or lawful dam.

Regulation taking of game and fish.

Beaver excepted.

Sec. 2. No person shall shoot from a public highway at game, or fish or hunt game in any enclosure not public land, without the consent of the owner or person in charge of the same, nor fish or hunt in any park, lake or preserve licensed under this act without the consent of the proprietor or person in charge of the same, and no question of ownership, proprietorship or charge shall defeat a prosecution unless it appears that the accused in good faith has theretofore claimed and at the time of the commission of the act complained of, claimed to be such owner, proprietor, or to have such charge, or to have had the consent of the owner, proprietor or person in charge, and shall establish such claim.

Must obtain permission to hunt or fish on private domain.

Except.

Sec. 3. No person shall have in possession or transport the carcass of any game quadruped or any considerable portion of such carcass unless the same has thereon the natural evidence of its sex sufficient to enable such sex to be readily determined by ordinary inspection.

Must show evidence of sex.

Sec. 4. Every person lawfully taking any fish alive and desiring and entitled lawfully to retain the same, shall immediately kill it, unless it is intended to be kept alive, in which case it shall be immediately placed in a suitable receptacle containing sufficient water and given proper care and attention.

Must kill fish.

Receptacle for live fish.

Baiting with
game or fish
unlawful.

Sec. 5. No game or fish shall be used for baiting any trap, device or deadfall, nor shall any edible portion of game or fish be abandoned or permitted to go to waste, nor shall the nest or eggs of any game bird be disturbed, destroyed or held in possession.

Shall not
disturb.

Pollution of
water unlawful.

Sec. 6. No dynamite or other explosive or poisonous or stupefying substance whatever shall be used in the taking or killing of any fish, nor placed in any waters containing fish, except when done by public authority for public improvement, nor shall any ties or timber be driven or floated down any stream containing fish.

Open season.

Sec. 7. It shall be lawful to pursue, take or kill, during the open season therefor, in the manner, of the kind, for the purpose and to the number and extent in this section provided, the following game and fish, and the open seasons therefor in each year shall begin and end as follows, namely:

(1) The open season for deer having horns and antelopes having horns, shall begin August 15 and end November 5 next ensuing.

(2) The open season for elk having horns, shall begin October 25 and end November 5 next ensuing.

(3) The open season for wild turkeys, prairie chickens, sage chickens and grouse shall begin August 15 and end October 31 next ensuing.

(4) The open season for wild ducks, geese, snipes, curlews, brants, swans, cranes and water fowls shall begin September 1 and end April 15 next ensuing, except in altitudes exceeding 7,000 feet above sea level, where the open season shall begin September 15.

(5) The open season for wild pigeons and doves shall begin July 15 and end September 30 next ensuing.

(6) The open season for trout not less than eight inches in length and other fish shall begin June 1 and end October 31 next ensuing.

Right to take
limited to food
purposes.

(7) The right given by this section to take or kill game and fish is limited to food purposes, and to fifty ducks and twenty-five other birds, and twenty pounds of

trout and fifty pounds of other fish for each person in any one calender (calendar) day, and no person shall take, kill or have in possession in any one season more than one elk, and one deer and one antelope; or, instead of one deer and one antelope, he may have either two deer or two antelope. Nor shall any person have in possession at any one time more than 100 ducks and fifty other birds, nor more than 70 pounds of fish. Maximum game and fish.

(8) No game or fish shall be held in possession by any person for more than five days after the close of the season for killing the same, except as in this act otherwise provided.

(9) No game shall be pursued, taken, wounded or killed in the night, nor with a steel or hard pointed bullet, nor with any weapon other than an ordinary shoulder gun or pistol, nor shall any fish be taken or killed except in the ordinary manner with a line and rod held in the hand, and the hook or hooks baited with natural or artificial bait; and fishing with snag hooks or trot lines, or lines having more than five hooks thereon, shall not be deemed the ordinary manner of fishing; nor shall any person fish within two hundred feet of any fishway, nor dispose of to another, except by actual donation, any edible part of game or fish taken or killed under the provisions of this section; Provided, That dogs, blinds, sinks and decoys may be used for hunting birds, and that the provisions of this section in relation to game quadrupeds and fish shall not apply to those in parks and lakes of class A licensed under this act for the keeping and propagation of the same. Unlawful to kill or pursue, when.

May donate.

Devices used.

Sec. 8. In waters where white salmon, suckers, carp or squaw fish abound, the commissioner may in his discretion grant to any responsible person a permit to take the same at a designated time and place, with nets or seines, and to dispose of them for food purposes. Any other fish so taken must be immediately returned to the stream alive. Commissioner grant permit.

Such permit shall expire with the calender [calendar] year, and be substantially in the following form:

Form of.

Form 1.

State of Colorado.

Department of Game and Fish.

Permit for Salmon, Suckers, Carp or Squaw Fish.

No. _____

Denver, _____, 189—

Mr. _____ is hereby authorized to take white salmon, suckers, carp or squaw fish from the _____ at _____, from _____, 189—, to _____, 189—, in conformity with law. This authorizes possession and sale, transportation and storage. Void after the date last above.

_____,
Commissioner.

Division C. Public and Private Parks, Lakes and preserves—Sale of Game and Fish Therefrom.

Procure license for possession of live game or fish.

Section 1. No person shall have in possession or keep or retain in captivity in any park, enclosure, lake or body of water, public or private, any living game or fish unless the person having such possession, or the proprietor of such park, enclosure, lake or body of water, shall procure a license therefor as hereinafter provided; and in any prosecution for a violation of this section the possession of any living game or fish, or the having or keeping of any such game or fish in any park, enclosure, lake or body of water shall be prima facie evidence that the same was unlawfully captured and is unlawfully held in possession.

Public nuisance, what constitutes.

Sec. 2. Any park, enclosure, lake or body of water maintained in violation of this act shall be deemed a continuing public nuisance and may be abated as provided by law for the abatement of public nuisances and the game therein liberated, or any obstruction to the free ingress or egress of fish removed, and each day the same is maintained in violation hereof shall be a separate offense.

May transport or sell, when.

Sec. 3. No person shall transport or sell, keep or expose or offer for transportation or sale any game or

fish, taken from any park, enclosure, lake or body of water, public or private, unless the same is licensed as provided in this act, and then only as provided in this division, and this section shall apply to game and fish held by private ownership as well as to game and fish the ownership of which may be acquired under this act.

Sec. 4. The provisions of this division in relation to private parks and lakes, the licensing thereof for the keeping and propagation of game and fish therein, and permitting the sale thereof, shall apply to every park or lake in whole or in part on land held by private ownership, and to every lake the water of which, or the right to the use of such water, in whole or in part, has been or may hereafter be acquired under the laws of this state or of the United States, for irrigation purposes, and the owner of such land or water right shall be deemed the proprietor of such park, or lake, and of the game or fish therein, and such lakes shall be designated as class A. Where applicable.

Sec. 5. Any person having already established or desiring to establish and maintain a park or lake, public or private, for the purpose of keeping or propagating and selling the game or fish therein or to be placed therein, shall apply in writing to the commissioner, stating the name, location, extent and proprietorship of the same, the kind and as near as may be, the number of game or fish kept or desired to be kept therein, the term for which the license is desired, and enclosing the fee therefor, and if upon examination by the commissioner it shall appear that the application is in good faith, and in other respects proper and reasonable, he shall grant to such applicant a license therefor. Shall apply in writing for license.
Commissioner shall grant license.

Sec. 6. Such license shall be substantially in the following form:

Form 2.

State of Colorado.

Department of Game and Fish.

Licensed Parks and Lakes.

No. ..., Class A.

Denver, ..., 189..

This certifies that ..., proprietor of a Form.
(public or private) (park or lake) called ..., and

situated on, Sec., , Twp., Range , in County, Colorado, is here-by authorized to keep and propagate therein and dispose of as provided by law, the following (game quadrupeds, birds or fish), viz: together with such addition thereto (with the natural increase of all) as may be hereafter lawfully acquired. This authorizes possession, use and sale, but not transportation, and expires years after date.

., Commissioner.

Shall apply for
permit to
increase.

Permit valid in
year of date
only.

Use for any
other purpose,
violation.

Permit to
exchange.

Sec. 7. When any such proprietor shall desire to procure or add to his collection game or fish belonging to the state, he shall apply to the commissioner, who, if it appear that the same is in good faith and proper and reasonable, shall issue a permit to procure the kind and number therein stated, which permit shall be sufficient to authorize the proprietor therein named or his agent appointed in writing, to capture or procure alive at any time of year such game and fish and to keep or dispose of them and their natural increase subject to the provisions of this act, but no permit shall be valid except in the year of its date. Provided, That the use of such game or fish for any other purpose, or the injury or destruction of the same in the effort to capture or otherwise, shall be deemed a violation of this act, unless it is made to appear that the same occurred (occurred) without the fault or negligence of any person engaged therein. Provided, also, That no fee for license or permit shall be charged for any park or lake owned or controlled by a municipality and to which the public is admitted free. Such parks and lakes shall be deemed public. All other parks and lakes licensed under this act shall be deemed private.

Sec. 8. The commissioner may also grant a permit to any such proprietor for the exchange of any game or fish in such park or lake for other game or fish suitable for preservation or propagation in this state, with other persons within or without the state.

Sec. 9. All permits for capture or exchange shall Expiration. expire with the year in which issued and shall be substantially in the following form:

Form 3.

State of Colorado.

Department of Game and Fish.

Permit to Capture or Exchange.

No., Class A.

Denver,, 189..

This certifies that, of, is Form. authorized in person or by his agent, authorized in writing, to capture alive at any time of year (or exchange for) the following game and fish to wit:, for the purpose of propagation in licensed (park or lake) No. This authorizes possession and transportation to the licensed park or lake, but expires with the year of its date.

....., Commissioner.

Sec. 10. Where a private park or lake of class A. Commissioner receive 10 per cent. increase from private lakes and parks. licensed under the preceding sections contains game quadrupeds or fish belonging to the state, at the date of the license, the commissioner shall have the right to demand and receive from the proprietor, free of charge, at such park, not more than 10 per cent. of the natural increase of the game quadrupeds therein, for each year thereafter; and not more than 10 per cent. of the fertilized fish eggs stripped from the fish in such lake each year thereafter, and it shall be the duty of the proprietor to give reasonable notice to the commissioner of the time when such eggs will be ready for delivery. The commissioner shall secure, at his own expense and whenever he may elect, the game quadrupeds to which he is so entitled, but if he fail to do so before November 1st or fail to provide for the reception of the eggs to which he is entitled, Provided. his right thereto for that year shall cease.

Sec. 11. If the proprietor of any lake mentioned in Commissioner may strip. the last preceding section shall fail in any year to strip the fish therein, the commissioner shall have the right to do so, the same to be without expense to the proprietor.

Property of
state.

Sec. 12. All game quadrupeds and fish eggs so obtained by the commissioner from private parks and lakes shall belong to the state, and shall be used or sold by the commissioner for the purpose of stocking other parks, streams or lakes.

Shall not
change flow of
water.

Sec. 13. No person owning or controlling any reservoir, lake or body of water into which public waters flow and which furnishes the water supply in whole or in part to any stream containing fish, shall divert or lessen such water inflow or supply to an extent detrimental to the fish in such stream, reservoir, lake or body of water.

Property of li-
censee, when.

Sec. 14. Except as in this division otherwise provided, all game and fish, with the natural increase thereof, held or confined in any private park or lake of class A, licensed under the preceding sections, shall during the existance [existence] of the license or any renewal thereof, be deemed the property of the licensee of the same to the extent that he may lawfully retain, pursue, capture, kill, use, sell or dispose of the game and fish therein in any quantity, at any time of year, and in any manner except as prohibited in sections 4, 5, and 6 of Division B of this act, by conforming to the conditions and subject to the restrictions in this division prescribed in relation thereto, but not otherwise, and the pursuit, capture, wounding or killing of any game or fish in any licensed park or lake, public or private, without the consent of the proprietor, shall be unlawful.

Private
property.

Except.

Shall not lessen
number.

Provided, That the aggregate number of game or fish now in or hereafter collected and placed in any private park or lake of class A, which contained any game or fish belonging to the state at the date of the taking of effect of this act shall not be lessened by the killing, use, sale or disposition thereof, except as provided in the next section, it being the purpose of this proviso to restrict such killing, use, sale and disposition to a number not exceeding in the aggregate the natural increase, and that the right to capture, kill or dispose of birds in any park, shall, except as to pheasants and quails, placed therein by the proprietor, and their natural increase, when taken or

Except.

killed within such park, be subject to the provisions of Division B hereof.

Sec. 15. If by reason of controlling necessity or for the purpose of stocking or replenishing some other park or lake, any proprietor of a park or lake of class A. may desire to lessen the aggregate number above provided for, the commissioner may, on being satisfied of the propriety thereof, grant a permit therefor.

Such permit shall be substantially in the following form:

Form 4. State of Colorado. Form.
Department of Game and Fish.
Permit to Lessen Number.

No., Class A. Denver,, 189..
Being satisfied of the propriety thereof, Mr., proprietor of, maintained under license No., is hereby permitted to lessen the aggregate number of therein to the extent of

This authorizes sale, but not transportation, and expires with the year of its date.
....., Commissioner.

Sec. 16. When the proprietor of any licensed park or lake of class A shall sell or dispose of any game or fish as herein provided, he shall at the same time deliver to the purchaser or donee or attach thereto an invoice signed by such proprietor or his agent, stating the number of the license and name of such park, or lake, the date of disposition, the kind, and as near as practicable the number and weight of such game or fish, the name and address of the purchaser, consignee or donee. Such invoice shall authorize transportation within this state, possession and use for thirty days after its date, and shall be substantially in the following form:

Form of
invoice.

Form 5.

State of Colorado.

Department of Game and Fish.

Private Parks and Lakes—Invoice.

Name of Park or Lake Class A.

No. of License, Date,, 189..

Kind and number of game and fish, weight of
same, lbs. Name of consignee,

Address of Consignee, This
authorizes transportation within this state, possession
and sale for thirty days after date if attached to article.

....., Proprietor.

By, Agent.

Shall mail
duplicate to
commissioner.

Sec. 17. Such proprietor or his agent shall at the same time mail, postpaid, a duplicate of such invoice to the commissioner at Denver; Provided, That no invoice shall be required in case of fish lawfully taken or killed in such lake during the open season therefor, and within the quantity provided by division B, hereof, while in the possession of the person capturing or killing the same, during the open season and for five days thereafter.

Attach invoice
to package for
shipment.

Sec. 18. When any such game or fish, for which an invoice is required, is to be shipped by rail, express, or other carrier, public or private, the invoice shall be securely attached thereto or to the package containing the same, in plain sight, and the same may then be lawfully carried and delivered within this state to the consignee named in such invoice.

Keep invoice
attached until
prepared for
consumption.

Sec. 19. If such game or fish is held, exposed or offered for sale or sold by the consignee or kept in any storage, hotel, restaurant, cafe or boarding house, such invoice shall be kept attached thereto as aforesaid until the same shall have been prepared for consumption.

Invoice,
contents of.

Sec. 20. In case of a sale or disposition of a part of such game or fish the vendor shall at the same time make a copy of such invoice and indorse thereon the date of sale, the number and kind of game or fish so disposed of and the name of the purchaser, and sign and deliver

the same to the purchaser or donee, who shall keep it attached as aforesaid until the game or fish is prepared for consumption, and the same shall have the same force and effect as the original invoice.

Sec. 21. Any wilful misstatement in or any omission of a substantial requirement from any invoice or copy thereof, shall render the same void and be deemed a violation of this act, and the possession of such game or fish shall be unlawful, and the possession of any game or fish without such invoice or a copy thereof attached thereto when so as above required shall be unlawful. **Misstatements, penalty.**

Sec. 22. The proprietor of every private park and lake licensed under the preceding sections shall, whenever required by the commissioner, make and send to the commissioner at Denver a report showing as near as practicable the kind, number, age and sex of the game, and the kind and number of the fish, added and disposed of during the year preceeding [preceding] and on hand at the date of the report. **Proprietor make report.**

Sec. 23. No grantee or lessee of a birdshooting [birdshooting] privilege at or upon any lake or body of water, or any grantee or lessee of a fishing privilege in or upon any stream or any part thereof, shall pursue, take, wound or kill any bird at, upon or in such lake, or body of water, or fish in or upon such stream or permit the same, until he shall have procured a license therefor from the commissioner, and lakes and streams licensed under this section shall be designated as licensed preserves, but no such license shall be granted for any lake or body of water not wholly on land held by private ownership or under the laws relating to reservoirs or irrigation, nor for any part of a stream not wholly on land held by private ownership, nor shall any such licensee or other person pursue, take wound or kill any bird at, upon or in any lake, body of water, nor fish in or upon any stream licensed under this section, or have in possession or dispose of game or fish from any preserve otherwise than as provided in division B of this act, nor shall any person shoot or fish on a licensed preserve without the consent of the licensee. **Grantee or lessee shall secure license.**
Commissioner issue license, when.
Unlawful to fish or hunt on licensed preserve without permission.

Sec. 24. Licenses under the last preceding section may be obtained as near as may be in the manner provided for obtaining licenses for parks and lakes and shall be substantially in the following form:

Form.

Form 6. State of Colorado.
Department of Game and Fish.
Licensed Preserves.

No. Denver, 189..

This certifies that, (grantee or lessee) of, situated on, section, township, range, in county, Colorado, is licensed to (shoot or fish) thereon or therein and permit others to do so during the open season therefor and in conformity with the law. This does not authorize transportation or sale and expires years after date.

....., Commissioner.

Proprietor put
in screens,
when.

Sec. 25. The rights acquired by the proprietor of a private lake licensed hereunder, and the prohibitions hereof, shall extend to and include all channels connecting a series or group of lakes under one license, and the commissioner may authorize the use of such screens or other appliances as may be necessary to prevent the fish in a licensed lake of class A. from escaping, and it shall be the duty of the proprietor to adopt and use such screens or other appliances as the commissioner may direct to prevent the fish in public waters from entering such lake.

Grantee receive
license.

Sec. 26. When the owner of a private park or lake has granted or leased to another the right to keep and propagate game or fish therein, the grantee or lessee shall be deemed the proprietor and entitled to the license.

License given
for series of
lakes.

Sec. 27. A series or group of lakes under one proprietorship or lease and situated in reasonable proximity to each other, may be included in one license, either as a private lake or licensed preserve.

Sec. 28. In case of diverse proprietorship the license may be joint if the proprietors so elect, otherwise a separate license shall be required for each interest and the rights thereunder shall be co-extensive with or in proportion to such interest.

Separate license
for each inter-
est.

Sec. 29. There shall be kept posted conspicuously and not more than forty rods apart on the borders of each park and each licensed stream preserve, plain notices not less than one foot square, stating that the same is private property and warning persons against trespassing thereon, and a similar notice shall be posted at or near each cardinal point of the compass on the border of each private lake, and lake preserve.

Post notices
against
trespassing.

Sec. 30. In case of a transfer of proprietorship or interest in any park, lake or preserve, the transferee shall within thirty days thereafter procure from the commissioner a transfer of the license endorsed on the back thereof.

Transferee
secure transfer
of license.

Sec. 31. In case of parks, lakes and shooting and fishing privileges existing at the taking effect hereof, licenses therefor shall be applied for and the fee paid within three months after such taking effect.

Existing privi-
leges pay for
license, when.

Sec. 32. Licenses for private parks, lakes, and preserves may be for two years or ten years, as the applicant may desire and any license shall be renewed from time to time at request of the licensee for a like period as the original or a two-year license may be surrendered at any time, and one for ten years obtained on payment of the full amount of the fee for the latter. Each renewal shall bear the same number as the original, and be of similar form, with the word "renewal" written on its face. A renewal must be applied for and the fee paid at or before the expiration of the original license or of the previous renewal, otherwise the same fee shall be paid as for an original license. Licenses for public parks and lakes shall be for ten years, and renewed from time to time.

Term of
licenses.

Renewal.

Division D. Importation—Transportation—Storage
—Seizure—Sale.

Section 1. No game or fish shall be brought into this state from any other state or territory except as provided in this division.

Game or fish
brought into
state for propa-
gation.

Sec. 2. Game and fish intended to be used for propagation in or stocking parks or waters within this state may be brought into this state from any other state or territory, and the commissioner shall issue certificates therefor without charge.

Game and fish
from other
states, condi-
tion.

Sec. 3. Game or fish intended for any purpose other than those mentioned in the last preceding section may be brought into this state only from those states and territories the laws of which at the time of such importation do not prohibit the importation and sale therein of game and fish from this state, and game and fish so imported into this state may be held and disposed of only as provided in this division.

Procure certifi-
cate for sale of
fish from other
states.

Sec. 4. No person shall sell, offer, expose, or keep for sale any game or fish brought into this state from any other state or territory, except in the original package, condition, number and quantity in which the same were brought into this state, until he shall have procured from the commissioner a certificate dated and signed by him stating the kind, and, as near as practicable, the number of game or fish referred to therein, which certificate shall be kept constantly and publicly exposed with such game or fish so long as they are kept for sale. No such certificate shall be granted or valid for more than thirty days after its date. Such certificate shall be substantially in the following form:

Time.

Form.

Form 7. State of Colorado.
Department of Game and Fish.
Importation Certificate.

No. Denver....., 189..

This certifies that Mr., of,
having satisfied me that the following game and fish,

to wit: were lawfully imported, he is entitled to sell the same as provided by law. This authorizes possession, transportation within this state, storage and sale for thirty days after date.

....., Commissioner.

Sec. 5. If any person in the lawful possession of game or fish so imported shall desire to retain the same beyond the thirty days as provided in the importation certificate, he shall apply to the commissioner and procure from him an importation storage permit for a period not exceeding thirty days after the expiration of the importation certificate. Such permit shall authorize the possession, transportation within this state, storage and sale of the same during the period therein named, and shall be substantially in the following form:

Form 8.

State of Colorado.

Form.

Department of Game and Fish.

Importation Storage Permit.

No. Denver,, 189..

This certifies that the following game and fish, to wit:, held by under importation certificate No., may be held in possession, transported within this state, stored and sold until the day of, 189..

....., Commissioner.

Sec. 6. If the importer shall sell or dispose of the same, he shall make out and give to the purchaser or donee an invoice signed by him or his authorized agent, and containing the name and address of the purchaser or donee, the kind and number of game or fish and the number and date of the commissioner's importation certificate or storage permit under which the same was sold. Such invoice shall be substantially in the following form:

Importer's certificate shall contain.

Form.

Form 9.

State of Colorado.

Department of Game and Fish.

Importers Invoice.

....., 189

Sold this day by of, Colorado, to, of, Colorado, the following game and fish, to wit:..... imported and sold under (importation certificate or storage permit) No., bearing date, 189.. This authorizes, possession, transportation within this state, storage and sale for thirty days after the date last above.

....., Importer.

Extent of permit.

Sec. 7. Such invoice shall entitle the person therein named to transport within this state, store, hold, use or sell the same at any time of year for a period not exceeding thirty days after the date of the certificate or permit under which it is issued.

Copy of invoice delivered to subsequent purchaser.

Sec. 8. In case the purchaser or donee shall desire to dispose of the same he shall endorse on such invoice the name of the subsequent purchaser or donee and his own name, and deliver the same to the purchaser or donee. In case he shall desire to dispose of a portion only he shall make a true copy of such invoice and endorse the same as aforesaid, and deliver it to the subsequent purchaser or donee. Such original or copy so endorsed shall have the same force and effect as the original.

Sale of game or fish seized by officer.

Sec. 9. All game and fish seized under this act shall, without unnecessary delay, be sold by the officer seizing the same, or by the commissioner, except when a sale is impracticable or is likely to incur expenses exceeding the proceeds, in which case the same shall be donated to any needy person not concerned in the unlawful killing or possession thereof. Possession by virtue of such sale or donation shall not be unlawful. The proceeds thereof, after deducting the costs of seizure and sale,

Possession not unlawful.

shall, if made by the commissioner or any warden, be paid into the state treasury, but if made by a sheriff or constable shall be paid, one-half to the commissioner and one-half into the treasury of the county where the seizure was made.

Disposition of proceeds.

Sec. 10. In case of such seizure and disposition the officer making the same shall sign and give to each purchaser or donee an invoice stating the time and place of disposition, the kind, quantity and weight, as near as may be, of the game or fish disposed of, and the name of the purchaser or donee. Such invoice shall authorize possession, transportation within this state, storage and sale for thirty days after date, and shall be substantially in the following form:

Officer furnish invoice.

Contents.

Form 10.

State of Colorado.

Form.

Department of Game and Fish.

Officer's Invoice.

....., 189..

Disposed of by me this day to....., the following game and fish, to wit: Kind,; number,; weight,, the same having been seized and disposed of by me under the provisions of the game law. This authorizes possession, storage, transportation within this state, and sale. Void after thirty days from date.

.....

(Title of Officer.)

Sec. 11. When any person lawfully in possession of game or fish shall desire to transport the same within this state, the transportation of which is not herein otherwise provided for, or out of this state, the commissioner may, upon being satisfied that the possession and transportation is not in violation of the spirit of this act, grant a permit therefor, and thereafter during the period of ten days after its date, such transportation shall be lawful between the points therein named. Such permit shall be substantially in the following form:

Commissioner grant transportation permit.

Form.

Form 11.

State of Colorado.

Department of Game and Fish.

Transportation Permit.

No. Denver,, 189..

This certifies that Mr. is entitled to transport from, Colorado, to the following game and fish, to wit This authorizes possession and transportation between the points named herein only, but not sale or storage. Void after ten days from date.

.....
Commissioner.

Lawful to store
or transport
game or fish,
when.

Sec. 12. No railroad company, express company, stage company or other public carrier, messenger, baggage man, or person in charge of any public conveyance, nor any agent thereof, shall receive or store for transportation, or transport into, or within, this state, any game or fish except as follows, namely:

- (1) When there is attached thereto a proper and valid certificate or permit signed by the commissioner or having a fac simile of his signature thereon and on its face authorizing transportation of the article named therein, and during the period therein stated.
- (2) At any time of year when the same is shipped from a private park or lake and has attached thereto a proper and valid invoice as required in Division C of this act.
- (3) At any time of year when the same is in charge of the commissioner, or some person acting for him and under his written authority, or an officer having seized the same under the provisions of this act, or a game or fish commissioner or warden of the United States or some other state, territory or foreign country.
- (4.) At any time of year when the same has been seized and sold by an officer and has attached thereto an invoice as provided in this division, and for thirty days after the date of such invoice.

(5) When there is attached thereto a proper and valid importer's invoice, authorizing transportation of the article therein named and during the period therein stated.

(6) At any time of year when the same are small fry or fish eggs for stocking purposes.

(7) At any time of year when the same is being transported from some other state or territory into this state in conformity with section 2 or 3 of this division.

(8) During the open season therefor and for five days thereafter when presented for shipment in lawful number or quantity.

Sec. 13. Game or fish may be transported out of this state only when accompanied by a permit from the commissioner authorizing the same, as provided in section 11 of this division, or when being transported from some other state or territory where taken or killed, through this state to some other state or territory. Permit for transportation out of state.

Sec. 14. Whenever any game or fish is presented for transportation or transported in a box, barrel, package or other covering so the game or fish is not plainly visible, the consignor shall put on the outside of such covering a plain mark or label indicating the true contents, and the proper invoice, certificate or permit when one is required, shall be attached [attached] to the outside of the covering. Consignor attach invoice of contents.

Sec. 15. Nothing herein shall make such carrier liable for transportation of game or fish when the same is transported without charge or way bill and in the possession of a passenger; but such fact shall not exempt the same from seizure, if unlawfully taken, killed, held in possession, or transported. Carrier not liable, when.

Sec. 16. Any person having the lawful possession of game or fish killed within this state, may, upon proof of such fact, have issued to him by the commissioner, a storage permit which shall authorize storage, possession and use of the same not longer than ninety days next ensuing the open season therefor. Commissioner issue storage permit.

Such permit shall be substantially in the following form:

Form 12.

Form.

State of Colorado.
Department of Game and Fish.
Storage Permit.

No. Denver 189..

Mr....., residing at,
being in the lawful possession of, killed
within this state, is entitled to have the same kept in
storage until next. This authorizes storage,
possession and personal use until the date last men-
tioned above, but not transportation or sale.

.....,
Commissioner.

Game and fish
received or
stored, when.

Sec. 16. No game or fish shall be received for or
held in storage except as follows, namely:

(1) During the open season therefor and for five
days thereafter when the same is stored for the person
lawfully in possession of the same.

(2) At any time of year when there is attached
thereto a proper and valid invoice as provided in Division
C. hereof, relating to parks and lakes.

(3) At any time of year when there is attached
thereto a proper and valid importer's invoice as provided
in this division, and during the life thereof.

(4) At any time of year when there is attached
thereto a proper and valid officer's invoice as provided
in this division relating to the seizure and sale of game
and fish, but storage under this subdivision shall not
continue for more than thirty days after the date of such
invoice.

(5) When there is attached thereto a proper and
valid certificate or permit signed by the commissioner
and on its face authorizing storage of the article named
therein, and during the period therein stated.

Sec. 17. No certificate, invoice, or permit shall be of any validity unless the same is kept constantly and publicly exposed with, or attached in plain sight to, the article to which it relates, or to the covering of the same when covered, except as in this act otherwise expressly provided.

Certificate valid only when exposed.

Division E. Hotels and Restaurants.

Section 1. No game or fish shall be held in possession in or placed upon the table of any hotel, restaurant, cafe or boarding house, or named on its menu or bill of fare as food for its patrons, either under the name used in this act or under any other name or guise whatever except as follows, namely:

Game and fish lawfully placed on menu, when.

(1) At any time of year when the same has been sold and is held in possession in accordance with the provisions of Division D. of this act, relating to the seizure and sale by an officer of game or fish killed or held in violation of this act.

(2) At any time of year, when the same has been furnished from a private park or lake of class A licensed under this act and sold, shipped and held in possession in accordance with the provisions of Division C of this Act relating to private parks and lakes, but this subdivision shall not apply to licensed preserves.

(3) At any time of year when the same has been lawfully imported into this state and sold and held in possession in accordance with the provisions of Division D of this act, relating to the sale of imported game and fish.

(4) During the open season and for five days thereafter, or during the life of a storage permit thereto attached, at the request of the person lawfully in possession of the same, and for the personal use of such person or his invited guests.

Sec. 2. The naming of game or fish upon any such menu as food for patrons shall be prima facie evidence of the possession of the same by the proprietor of such hotel, restaurant, cafe or boarding house.

Evidence of possession.

Permits, etc.,
preserved.

Sec. 3. All permits, invoices and copies of invoices received under this division shall be preserved by the proprietor for at least thirty days after the consumption of the game or fish therein described (unless sooner called for by the Commissioner) and shall be delivered to the commissioner on demand therefor within such time.

Division. F. Unlawful Devices—Destruction of the Same—Diversion and Pollution of Waters.

Unlawful to use
devices.

Section 1. Except as in this act otherwise permitted, no person shall use in the pursuit, taking, wounding, or killing of game and fish any dog, net, seine, trap, snag hook, trot line, artificial lights or device whatever.

Public nuisance,
what shall con-
stitute.

Sec. 2. Every net, seine, trap, explosive, poisonous or stupefying substance or device used or intended for use in taking or killing game or fish in violation of this act, and set, kept or found in or upon any of the waters in this state or upon the shores thereof, and every trap, device or deadfall found baited in violation of this act, is hereby declared to be a public nuisance and may be abated and summarily destroyed by any person, and it shall be the duty of every officer authorized to enforce this act to seize and summarily destroy the same, and no prosecution or suit shall be maintained for such destruction; Provided, That nothing in this division shall be construed as affecting the right of the commissioner to use such means as may be proper for the promotion of game and fish propagation and culture, nor as authorizing the seizure or destruction of firearms.

May destroy.

Construct fish-
way.

Sec. 3. Except as otherwise provided in this act, every dam or other artificial obstruction in the public waters containing food fish which interferes with the free passage of fish, and not provided with a sufficient fish way for the free passage of fish up and down the same, shall have such fish way constructed therein within six months after the taking effect of this act, and no such dam or artificial obstruction shall hereafter be constructed, placed or maintained in such waters without such fish way, except as hereinafter provided, but this

section shall not apply to a point in a stream at which the whole volume of water is taken out and lawfully applied, without unnecessary waste, to a beneficial use. Except.

Sec. 4. No dam or other obstruction to the free passage of fish shall hereafter be commenced, constructed or placed in any public stream containing fish, until the person proposing to do so shall first give written notice to the commissioner of such intention, together with a statement of the name and location of such stream, the proposed location, size and purpose of such dam or obstruction, and thereafter comply with the reasonable directions of the commissioner in relation to the construction and maintenance of a fish way therein. The expense of construction and maintenance of such fish way shall be borne by the person erecting such dam or obstruction. Constructor of obstructions notify commissioner.
Construct fish-way.

Sec. 5. Every fish way shall be constructed, maintained and repaired at the expense of the owner and operator of such dam or obstruction, and in the event of failure or neglect to comply with any reasonable directions given by the commissioner he may cause such construction, maintenance and repair to be made and the expense thereof recovered from such owner or operator in a civil action with a penalty of ten dollars for each and every day of such failure or neglect, and from the time such construction or repair is commenced the expense thereof and the penalty aforesaid shall be a lien upon such dam or obstruction and the premises connected therewith, until the completion thereof and payment of the expense and penalty incurred. Failure to comply.
Penalty.

Sec. 6. In case of a dispute between the commissioner and any owner or operator as to the necessity, character, maintenance or repair of any fish way, the same may be judicially determined as herein provided in relation to alleged obstruction and pollution. Remedy in case of dispute.

Sec. 7. No sawdust, tailings or other deleterious or poisonous substance shall be allowed to run or pass into or pollute any public waters containing fish, or deposited or left where it may be carried by natural causes into Pollution of waters containing fish.

such waters, in such quantities as to destroy or be detrimental to the fish or spawn therein, except as hereinafter provided.

Public nuisance,
what shall constitute.

Sec. 8. Every dam or other artificial obstruction, every placer mine, mill, reduction plant or other industrial enterprise, constructed, maintained or operated in violation of this act, is hereby declared unlawful and a continuing public nuisance and the same may be enjoined or abated or its objectionable features modified as hereinafter provided, and the person constructing, maintaining or operating the same punished as for a violation of this act, and every day the same is so maintained or operated shall be deemed a separate [separate] offense.

Temporary injunction may issue.

Sec. 9. Whenever any such obstruction or pollution is alleged to exist, the commissioner, any citizen of the state or the owner or operator of such obstruction or industry, may file a petition in the district court of the county in which the obstruction or pollution is alleged to exist or originate, or into which any of the polluted water flows, for the purpose of having an equitable determination of the fact, nature and extent of such an alleged obstruction or pollution and the remedy to be applied, if any, and a temporary injunction may issue upon notice, if the fact of obstruction or pollution be evident and the necessity urgent. Issues shall be made up as in other civil actions.

Action brought.

Sec. 10. The action may be brought by the commissioner or a citizen of the state in the name of the people of the state on the relation of such person, but no such action shall be brought by a citizen without the consent of the commissioner, the Attorney General or the district attorney of the district.

Relator not responsible.

In case an injunction is issued or an appeal taken on behalf of the people, no bond shall be required. The relator shall not be responsible for costs, but the same shall be paid by the state if it be defeated, or the commissioner may pay the same from any funds provided for the enforcement of the game and fish laws.

Sec. 11. If the action is brought by the owner or operator, the people of the state shall be made defendants, and service of the summons shall be made upon the commissioner, and a cross-petition may be filed with the same effect as an original petition. People made defendant.

Sec. 12. It shall be the duty of the district attorney of the district where any such action is brought, or to which it may go at any time, to appear on behalf of the people of the state, and conduct the same under the direction of the commissioner. Duty of district attorney.

If the district attorney shall fail or neglect to prosecute or defend such action to the satisfaction of the commissioner, it shall be the duty of the attorney general to appear, and prosecute or defend for the people, or the commissioner may employ special counsel. Attorney general shall appear, when.

Sec. 13. On final hearing the court shall, without the intervention of a jury, determine if such obstruction or pollution exists, and if so, the cause, nature and extent thereof, the injurious effect, if any, upon the fish and their propagation, the means adopted, if any, by such owner or operator to obviate or prevent the same, the practicability or otherwise of more efficient means to prevent injury therefrom, and any other facts necessary to form an intelligent judgment of the public necessity and importance of the industry concerned as compared with the like necessity and importance of such waters as a source of fish supply if unaffected thereby, and having due regard to the public welfare and such constitutional and legal rights as may exist, may order the adoption by the owner or operator of such means as may be reasonable and practicable, to prevent or lessen the injurious effect of the same, or may abate the obstruction or perpetually enjoin the operations which cause the injury, or render such other judgment as the right of the case may require. In determining the questions aforesaid the court shall not be precluded from considering the other beneficial uses to which such waters are or may be applied. Court shall determine as to pollution, etc. May enjoin operators.

Final determination.

Sec. 14. The final judgment and decree of the court until reversed or modified, and of the supreme court on final hearing, shall be a final determination of the rights of the parties thereto, under the facts existing and found by the court, and when complied with by the owner or operator, or if the judgment shall be in his favor shall be a bar to any criminal prosecution for the same or similar acts unless the cause, extent or nature of the injury be thereafter changed so as to affect the fish supply more injuriously.

Compliance bar to prosecution.

Change of cause.

Sec. 15. In the event of a change in the cause, extent or nature of such injury, either increasing or diminishing the effect thereof, either party may at any time thereafter file a supplemental petition in the district court where the cause was tried, and have such increased or diminished effect determined and the judgment modified accordingly, but the facts originally found shall not be retried upon such supplemental petition, nor shall the original judgment, whether finally rendered in such court or the supreme court, be modified or changed except as required by such changed conditions.

New trial.

Sec. 16. Nothing herein shall prevent the granting of a new trial as provided by law.

Appeal.

Sec. 17. Appeal or writ of error in such action shall lie to or from the supreme court only, and all the evidence offered or introduced shall be reduced to writing and preserved, and in the event of an appeal the supreme court shall try and determine the case de novo on such evidence;

Retrial.

Provided, That, if the evidence or the findings of the court below on any essential fact be not satisfactory, the supreme court may remand the same for re-trial.

Appeal from order.

Sec. 18. In case an order is made, before final judgment, granting, modifying or refusing an injunction, an appeal from or writ of error to such order may be taken without waiting for final judgment.

Enforce by prosecution.

Sec. 19. Nothing in this division shall prevent the enforcement of this act by criminal prosecution in the

absence of the equitable proceeding herein provided for, or during the pendency of the same, unless the court in which such equitable proceeding is pending shall for good cause shown, restrain such criminal prosecution, which it may do, nor shall anything in this division affect any existing right for the prevention or redress of private injuries or wrongs.

Division G. Penalties—Prosecutions—Fines.

Section 1. Every attempt to violate any provision of this act shall be punishable to the same extent as an actual violation thereof, and any such attempt or violation by an agent, clerk, officer, or employe while acting for a corporation, shall render such corporation liable Corporations also, and an accessory may in all cases be prosecuted liable. and punished as a principal.

Sec. 2. The failure by any person or officer to perform any act, duty or obligation enjoined upon him by Failure to perform. this act shall be deemed a violation thereof.

Sec. 3. Every person using dynamite or other explosive, or any poisonous or stupefying substance, or pursuing, taking, wounding, killing or having in possession Penalty for having in possession explosives, etc., any bison or buffalo, in violation of this act, shall be punished bison or buffalo. by a fine of not less than \$500 nor more than \$1,000, or by imprisonment in the penitentiary not less than six months nor more than two years, or by both such fine and imprisonment.

Sec. 4. Every person or officer violating any of the provisions of this act, otherwise than as contemplated in Violation a misdemeanor. section 3 of this division, shall be guilty of a misdemeanor and be punished by a fine of not less than \$10 Penalty. nor more than \$500, or by imprisonment in the county jail not less than ten days nor more than six months, or by both such fine and imprisonment.

Sec. 5. Every person convicted and fined under this act shall be imprisoned until the fine and costs are paid, Non-payment of fine, imprisonment one day for each \$5. and shall not be discharged therefrom on account of his

inability to pay the same, until he shall have been actually imprisoned one day for each \$5 of the fine.

Prosecutions
commenced by.

Sec. 6. Prosecutions under this act may be commenced either by indictment, complaint or information, and district and county courts and justices of the peace in their respective counties shall have concurrent original jurisdiction of all offenses under this act, except those contemplated in section 3 of this division, of which justices of the peace shall not have jurisdiction, otherwise than as committing magistrates.

Accused entitled
to jury.

Sec. 7. The accused shall be entitled to a jury as in other criminal cases, and an appeal shall lie from a justice of the peace as in cases of assault and battery. Appeals from and writs of error to the district and county courts shall lie as in other criminal cases.

Appeals.

District attor-
neys prosecute.

Sec. 8. It shall be the duty of each district attorney to prosecute all violations of this act, occurring within his district, that may come to his knowledge, or when so requested by the commissioner or any officer charged with its enforcement, the same at all times to be subject to the supervision and control of the commissioner.

Participant in
violation may
testify as
witness.

Sec. 9. In any prosecution under this act, any participant in a violation thereof, when so requested by the district attorney, commissioner, warden or other officer instituting the prosecution, may testify as a witness against any other person charged with violating the same, and his evidence so given shall not be used against him in any prosecution for such violation.

Disposition of
fines collected.

Sec. 10. All moneys collected for fines under this act shall be immediately paid over by the justice or clerk collecting the same, as follows: One third into the treasury of the county where the offense was committed, one third to the commissioner, and one third to the person instituting the prosecution.

Proviso.

Provided, That if the person instituting the prosecution shall fail for ten days after such collection and due notice thereof, to demand the portion to which he is en-

titled, the same shall be paid to the commissioner and the right of such person thereunder shall be deemed forfeited.

The commissioner, any warden or officer instituting a prosecution shall be entitled to a share in the fines collected the same as any other person, and it shall be a personal perquisite for which he need not account.

Fines to which officer entitled personal perquisite.

Sec. 11. It shall be the duty of every justice of the peace and clerk of a court before whom any prosecution under this act is commenced or shall go on appeal, and within twenty days after the trial or dismissal thereof, to report in writing the result thereof and the amount of fine collected, if any, and the disposition thereof to the commissioner at Denver.

Justices of peace and clerks of courts report to commissioner.

DIVISION H. Records—Reports—Fees—Repeal—Taking Effect.

Section 1. The commissioner shall keep a record of all moneys received and of all licenses, certificates, permits and tags issued by him, numbering each class separately, and in case of the loss of any one of them before its expiration by use, or lapse of time, and upon being satisfied of the good faith of the applicant, shall issue a duplicate thereof bearing the same date and number as the original. On the face of such duplicate he shall endorse the following; "Duplicate, original lost," and such duplicate shall have the same force and effect as the original, and he shall collect therefor the same fee as for the original, but not exceeding the sum of \$10. in any case.

Commissioner keep record of licenses, etc.

Issue duplicates.

Sec. 2. The commissioner shall charge and collect the following fees:

Fees.

For each permit to take salmon, etc.....	\$ 1.00
For each permit for storage	1.00
For each certificate of importation.....	1.00
For each scientific permit, domestic society.....	1.00

Fees.

For each scientific permit, foreign society.....	50.00
For each permit to capture or exchange.....	1.00
For each permit to lessen game or fish in park or lake	1.00
For each quadruped park, two-year license.....	40.00
For each renewal of same.....	30.00
For each quadruped park, ten-year license.....	100.00
For each renewal of same.....	75.00
For each bird park, two-year license.....	10.00
For each renewal of same.....	8.00
For each bird park, ten-year license.....	25.00
For each renewal of same.....	20.00
For each lake, two-year license for first lake.....	10.00
For each renewal of same.....	8.00
For each lake two-year license for each additional lake	5.00
For each renewal of same, for each additional lake	3.00
For each lake, ten-year license for first lake.....	25.00
For each renewal of same.....	15.00
For each lake, ten-year license each additional lake	10.00
For each renewal of same each additional lake....	5.00
For each preserve, two year license.....	10.00
For each renewal of same.....	8.00
For each preserve, ten-year license.....	25.00
For each renewal of same.....	15.00
For each transfer of any license.....	1.00
For each permit for transportation out of the state;	
For each elk	10.00
For each deer	5.00
For each antelope	5.00
For each lot of fish.....	2.00

Commissioner
keep blanks for
sale.

Sec. 3. The commissioner shall procure and keep on hand a supply of all the blanks required for use under this act, and immediately upon the taking effect thereof shall furnish to the proprietors of licensed parks and lakes, and to importers and vendors entitled under this act to import and sell foreign or domestic game and fish, such blank invoices as they may require, at a price not exceeding 25 per cent. advance on their cost.

Sec. 4. When an arrest for a violation of this act is made by a sheriff or constable, the usual fees in a case of misdemeanor shall be taxed in his favor, and if not collected from the defendant, or if the defendant is acquitted, shall be paid by the county; and the necessary and ordinary fees and expenses of every posse lawfully summoned and engaged in the enforcement of this act shall be taxed as a part of the costs, and if not collected from some person liable therefor, shall be paid out of the state treasury in the same manner as is provided for the payment of the expenses of the commissioner. Fees paid by the county.

Sec. 5. When an arrest for a violation of this act is made by the commissioner, or a warden and the defendant is convicted, there shall be taxed as costs in favor of the officer making the arrest the same fees as a constable is entitled to in a case of misdemeanor, and if collected from the defendant shall be paid over to such officer and shall be a personal perquisite for which he need not account, but no such fees shall be allowed in case of acquittal, nor shall the county or state be liable for such fees in any event. Fees of officer making arrest. Personal perquisite.

Sec. 6. In case of a seizure and sale of game or fish taken or held in violation of this act, the officer making the same shall be entitled to the mileage allowed to a constable for serving a writ of replevin, and the reasonable cost of transporting the game or fish to the place of sale, and \$3 per day for each day actually and necessarily spent in making the sale, which sums he may deduct from the proceeds of sale, but in no event shall the county or state be liable for any deficiency, and such fees when earned by the commissioner or a warden shall be a personal perquisite for which he need not account, but when such fees are collected from the proceeds of sale no other expenses shall be allowed any officer on account of the seizure, transportation or sale. Fees of officer making seizure and sale. Personal perquisite.

Sec. 7. In all cases the officer making a seizure or sale shall within ten days thereafter report all the particulars thereof and an itemized statement of the pro- Officer report seizure or sale to commissioner within ten days.

ceeds, expenses and fees and the disposition thereof, and pay the remainder of the proceeds, if any, to the commissioner.

Wardens report violations to commissioner in December.

Sec. 8. Every warden shall in the month of December of each year, and at such other times as the commissioner may require, report to the commissioner as to all violations of and prosecutions under this act occurring in his district, together with such other information as the commissioner may require.

Repeal.

Sec. 9. All acts and parts of acts in conflict with this act are hereby repealed, but such repeal shall not affect or abate any prosecution now pending or hereafter brought for any offense committed prior to the taking effect of this act, but the same may be prosecuted and punished as in said acts provided.

Not abate prosecutions now pending.

Emergency.

Sec. 10. In the opinion of the General Assembly an emergency exists; therefore, this act shall be in force from and after its passage.

Approved April 27, 1899.

CHAPTER 99.

GENERAL ASSEMBLY—OFFICERS AND EMPLOYES.

(H. B. No. 271, by Mr. Bell.)

AN ACT

TO AMEND SECTIONS 1 AND 2 OF AN ACT ENTITLED "AN ACT TO AMEND GENERAL SECTIONS 1579 AND 1580; AND TO REPEAL GENERAL SECTION 1581, OF THE GENERAL STATUTES OF THE STATE OF COLORADO," APPROVED JANUARY 31, 1891.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That general section 1579 of the General Statutes of the State of Colorado of 1883 be and the same is hereby amended so as to read as follows: Until otherwise provided by law, the officers and employes of the respective houses of the General Assembly of Colorado may be and shall not exceed the following:

Of the Senate.

A secretary, assistant secretary, reading clerk, stationery and bill clerk, docket clerk, sergeant-at-arms, three assistant sergeants-at-arms, chaplain, chief engrossing clerk, with not more than six assistant engrossing clerks; chief enrolling clerk, with not more than six assistant enrolling clerks; chief printing clerk, with not more than three assistant printing clerks; two messengers and one telephone messenger, doorkeeper, two assistant doorkeepers, two janitors for chamber, two janitors for committee rooms, one janitor for cloak room, night watchman, four pages, and a clerk for each of the following named committees: Judiciary, revision, finance, banking and insurance, corporations and rail-

Officers and
employes of
senate.

roads, agriculture and irrigation, education and educational institutions, and six other committee clerks to be assigned by the President of the Senate to the remaining committees, as may be required, and one clerk for President of the Senate to be selected by himself.

Of the House.

Officers and
employes of
house.

A chief clerk, assistant clerk, reading clerk, stationery and bill clerk, docket clerk, sergeant-at-arms, three assistant sergeants-at-arms, chaplain, chief engrossing clerk, with not more than eight assistant engrossing clerks; chief enrolling clerk, with not more than eight assistant enrolling clerks; chief printing clerk, with not more than four assistant printing clerks; two messengers and one telephone page, doorkeeper, two assistant doorkeepers, two janitors for chamber, two janitors for committee rooms, two janitors for cloak rooms, night watchman, matron for ladies' gallery, six pages and a clerk for each of the following named committees: Judiciary, revision and constitution, finance, ways and means, corporations and railroads, agriculture and irrigation and stock (jointly), appropriations and expenditures, and fees and salaries (jointly), education and state institutions (jointly), and six additional committee clerks to be assigned by the speaker to the remaining committees as may be required. Either house may also employ a stenographer, an interpreter and official press reporter whenever necessary, and the president of the Senate or speaker of the House may, at the request of the engrossing or enrolling committees, when the labor required to be done by the clerks of the said committees cannot be done by the said clerks, detail any other clerks of the Senate or House to assist in the labor to be done by said committees. All such officers and employes may be selected by the house employing them, either by ballot or resolution, and they shall perform the duties usually performed by like officers and employes, and such other duties as may be required of them by the proper members or officers.

Officers and
employes se-
lected by house
employing, by
ballot or resolu-
tion.

Sec. 2. That general section fifteen hundred and eighty of the General Statutes of the state of Colorado of 1883 be and the same is hereby amended to read as follows: The compensation of said officers and employees shall be as follows: The said secretary and chief clerk shall each receive \$6 per day; assistant secretary and assistant clerk, each \$5. per day; reading clerks, \$5 per day; stationery and bill clerks, \$4 per day; docket clerks, \$5 per day; sergeant-at-arms, \$5 per day; assistant sergeants-at-arms and night watchman, \$4 per day; messengers, doorkeepers, assistant doorkeeper and janitors, \$3 per day; chaplains, \$3 per day; pages \$2 per day; and telephone page \$1.75 per day; chief engrossing clerks, chief enrolling clerks, chief printing clerks, clerks of judiciary committees, clerks of revision committees, clerks of finance committees and stenographers, each \$5 per day; all other committee clerks, the sum of \$4 per day; the clerk of the President of the Senate and matron for ladies gallery, \$4 per day; interpreter, \$4 per day; and official press reporters, \$4 per day; **Compensation.** Provided, that **Proviso.** the pay of all officers and employees shall cease and determine upon final adjournment of the legislature, except the pay of the secretary of the senate, assistant secretary of the senate, clerk and assistant clerk of the house, who shall each be allowed pay for ten days after such final adjournment, for completing the records of the proceedings of the session.

Sec. 3. Whereas, In the opinion of the General Assembly, an emergency exists; therefore, this act shall take effect and be in full force from and after its passage. **Emergency.**

[NOTE—This bill was filed with the Secretary of State without the Governor's signature and without his objections on March 18, 1899, and hence became a law under Art. IV., Sec. 11 of Constitution.]

CHAPTER 100.

HIGH SCHOOLS—ESTABLISHMENT AND SUPPORT.

(H. B. No. 114, by Mr. Briscoe.)

AN ACT

TO PROVIDE FOR THE ESTABLISHMENT AND SUPPORT OF
HIGH SCHOOLS IN COUNTIES OF THE FOURTH AND
FIFTH CLASSES.

Be it Enacted by the General Assembly of the State of Colorado :

Question of or-
ganizing county
of fourth or
fifth class into
high school dis-
trict to be sub-
mitted to elec-
tors.

Proviso.

Section 1. At any general election subsequent to the passage of this act, the question of organizing any county of the fourth or fifth class as classified by law with reference to the salaries of district attorneys and county officers, into one school district for high school purposes shall be submitted to the qualified electors of such county, provided a petition signed by fifty tax payers resident therein asking that the question be thus submitted, shall have previously been presented to the county commissioners not later than their regular October meeting. At which time the first petition presented shall be alone considered. Said petition shall state the maximum amount of tax to be levied for the support of the high school which shall in no case exceed the limit fixed by this act.

Election of high
school commit-
tee.

Sec. 2. Whenever a majority of the votes cast on the question of organizing any county of the fourth or fifth class into one school district for high school purposes shall be in favor of such organization, the Superintendent of schools of such county shall by notification through the mail and by publication where practicable, call a meeting of the boards of directors of all the districts of said county, which meeting shall elect by ballot

from among the members of said boards of directors a committee of four which shall be known as the high school committee; provided that no two members of any board of directors shall at the same time, be members of the high school committee, except in counties where there are fewer than four districts. The county superintendent of schools shall be, *ex officio*, a member of the high school committee and secretary thereof. The committee shall select from its members a president and, if *Officers.* need be, a treasurer.

Sec. 3. The term of office of a member of the high school committee shall expire simultaneously with the expiration of his term of office as a director of the school district wherein he resides and the vacancy thus created shall be filled by the boards of directors of the various districts of the county at a meeting held not later than thirty days subsequent to the occurrence of the vacancy. The secretary of the committee shall give each board of directors at least ten days notice of the holding of such meeting. All vacancies caused in any other manner than by expiration of term of office shall be filled by appointment by the county superintendent of schools.

Term of office member high school committee expires, when.
Vacancy filled by.
Other vacancies filled by.

Sec. 4. The regular meetings of the high school committee shall be held on the first Saturday of March, June, September and December of each year, and special meetings may be held upon call of the president or secretary of said committee or upon call of any two members thereof.

Meetings of high school committee.

Sec. 5. With reference to any high school organized under the provisions of this act, or heretofore organized as a Union High School at any county seat under section 3997 Mills' Annotated Statutes. The high school committee shall exercise all the powers, and perform all the duties that are, at the time of adoption of this act accorded to, and required of [of] directors of first and second class districts throughout the state; provided, that the amount of tax certified to the county commissioners for the maintainance [maintenance] of the high school shall in no case exceed two mills on the dollar of the assessed valuation of the county.

High school committee exercise powers of directors of first and second class districts.
Proviso.

Admission upon terms prescribed by committee.

No tuition fee from resident of county.

County commissioners levy tax not to exceed two mills.

Tax collected, how.

Question of increase of tax levy may be submitted to electors.

Sec. 6. Admission to any high school organized and maintained under the provisions of this act, or heretofore organized as a union high school at any county seat, under section 3997 Mills' annotated statutes, shall be upon terms prescribed by the high school committee; but no tuition fee shall be exacted from any resident of the county wherein such high school exists.

Sec. 7. It is hereby made the duty of the county commissioners of any county wherein a high school is organized under the provisions of this act, or heretofore organized as a union high school at any county seat, under section 3997 Mills' Annotated Statutes, to levy annually at the time of levying taxes for other purposes, a high school tax on all the taxable property of the county, said tax not to exceed two mills on the dollar of the assessed valuation. The high school tax shall be collected in the same manner as other taxes are collected, and shall be paid out by the county treasurer on warrant drawn by the secretary of the high school committee, signed by the president and countersigned by one other member.

Sec. 8. Whenever, subsequent to the organization of a high school under the provisions of this act, it shall seem desirable to increase the tax levy for high school purposes, beyond the maximum fixed by the original petition, the question of such increase may be submitted to the qualified electors of the county in the manner provided by section one of this act for the submission of the original question.

Approved April 8, 1899.

CHAPTER 101.

HORTICULTURE.

(S. B. No. 82, by Senator Felton.)

AN ACT

TO REPEAL SECTION EIGHT (8) OF AN ACT "CONCERNING HORTICULTURE," APPROVED APRIL 15, 1897.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That Section eight (8) of an act entitled Repeal. "An act concerning horticulture," etc., approved April 15, 1897, is hereby repealed.

Approved April 4, 1899.

CHAPTER 102.

HORTICULTURE.

(S. B. No. 81, by Senator Felton.)

AN ACT

TO AMEND SECTION SEVEN (7) OF AN ACT ENTITLED "AN ACT CONCERNING HORTICULTURE," AND TO REPEAL SECTIONS 5, 6, 7, 8 AND 9 OF AN ACT ENTITLED "AN ACT TO CREATE STATE AND COUNTY BOARDS OF HORTICULTURE," DEFINE THEIR DUTIES AND COMPENSATION, TO PROTECT AND PROMOTE THE HORTICULTURAL INTERESTS OF THE STATE, AND TO REPEAL AN ACT TO ESTABLISH A BUREAU OF HORTICULTURE, APPROVED MAR. 8, 1883," APPROVED APRIL 5, 1893." APPROVED APRIL 16TH, 1897.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That Section seven (7) of "An Act concerning Horticulture" approved April 16th 1897, be amended so as to read as follows:

Inspect
orchards, etc.

Notify owner.

Sec. 7. It shall be the duty of the County Horticultural Inspector in each County, whenever he shall deem it necessary, to make an inspection of any orchard, nursery or trees, or any fruit packing house, store-room, sales room or other place or article within his jurisdiction, and if found infested with insects, or pests or diseases injurious to fruit, fruit trees, vines, bushes or any other Horticultural interests, he shall notify the owner, or owners, or person or persons in charge or in possession of such trees, place or other thing as aforesaid that the same or any of them are infested with insects, or their eggs or larvae or with fruit or fruit-tree diseases and shall give a formula for the treatment thereof, and

such person or persons so notified shall eradicate or destroy the said insects or pests, or their eggs or larvae, within a certain time to be specified in said notice. Said notice may be served upon the person or persons, owning or having charge of such infected trees or places or articles aforesaid by any Inspector, or by any one deputized by him, or it may be served the same as a summons in a civil action. If the owner or owners, person or persons, in charge or possession of orchard, or nursery, trees or places, or articles infested with said insects, or any of them, their larvae or eggs, after having been notified as above by said Inspector to destroy the same or make application of treatment as directed, shall fail, neglect or refuse so to do, he or they shall be guilty of maintaining a public nuisance and shall be punished by a fine in a sum not less than five (5) dollars nor more than one hundred (100) dollars; and any such orchard, nurseries, trees, or places, or articles thus infested, after such conviction shall be adjudged, and the same is hereby declared a public nuisance, and may be proceeded against as such. If defendant be found guilty, the court, in its judgment, shall order the said Inspector to abate such nuisance and the expenses thus accrued shall be taxed up as costs against the defendant.

Furnish
formula for
treatment.

Owner shall
comply.

Failure to
comply.

Penalty.

Public nuisance.

The District and County Courts shall have jurisdiction in such cases.

Sec. 2. In the opinion of the General Assembly of the State of Colorado an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Emergency.

Approved April 11, 1899.

CHAPTER 103.

HOURS OF EMPLOYMENT.

(H. B. No. 25, by Mr. Moore.)

AN ACT

REGULATING THE HOURS OF EMPLOYMENT IN UNDERGROUND MINES, AND IN SMELTING AND ORE REDUCTION WORKS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

Be it Enacted by the General Assembly of the State of Colorado :

Eight hours per day in mines, except.

Section 1. The period of employment of working men in all underground mines or workings shall be eight (8) hours per day, except in cases of emergency, where life or property is in imminent danger.

Eight hours per day in smelters and reduction works, except.

Sec. 2. The period of employment of working men in smelters, and in all other institutions for the reduction or refining of ores or metals, shall be eight (8) hours per day, except in cases of emergency, where life or property is in imminent danger.

Violation misdemeanor.

Sec. 3. Any person, body corporate, agent, manager or employer, who shall violate any of the provisions of sections one and two, of this Act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment not more than six months, or by both fine and imprisonment.

Penalty.

Approved March 16, 1899.

CHAPTER 104.

INDETERMINATE SENTENCE.

(S. B. No. 160, by Senator Stewart.)

AN ACT

IN RELATION TO SENTENCES TO THE STATE PENITENTIARY
AND TO AUTHORIZE AND REGULATE THE PAROLING OF
CONVICTS.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. When a convict is sentenced to the State Penitentiary, otherwise than for life, for an offense or crime committed after the passage of this Act, the court imposing the sentence shall not fix a definite term of imprisonment, but shall establish a maximum and a minimum term for which said convict may be held in said prison. The maximum term shall not be longer than the longest term fixed by law for the punishment of the offense of which he was convicted, and the minimum term shall not be less than the shortest term fixed by law for the punishment of the offense of which he was convicted.

Court establish
maximum and
minimum sen-
tence.

Sec. 2. If, through oversight or otherwise, any person be sentenced to imprisonment in the said State Penitentiary for a definite period of time other than for life, said sentence shall not for that reason be void, but the prisoner so sentenced shall be entitled to the benefit and subject to the liabilities of this act, in the same manner and to the same extent, as if the sentence had been in the terms required in section I of this Act.

Sentence not
void if for defin-
ite period.

Sec. 3. The Governor shall have authority, under such rules and regulations as he may prescribe, to issue a parole or permit to go at large to any convict who now is, or hereafter may be, imprisoned in the said peniten-

Governor may
issue parole,
when.

tiary under a sentence other than a life sentence, who may have served the minimum term pronounced by the trial court, or, in the absence of such minimum term pronounced by the court, the minimum term provided by law for the crime for which he was convicted; Provided, That any convict who shall make an assault with a deadly weapon upon any officer, employe or other convict of said penitentiary shall not be eligible to parole under this Act.

Proviso.

Paroled convicts under control of commissioners.

Governor order return.

Order sufficient warrant.

Time of parole not considered when convict is reincarcerated.

Parole not to be construed as discharge.

Sec. 4. Every such convict, while on parole, shall remain in the legal custody and under the control of the commissioners of the penitentiary and shall at all times be subject to such rules and regulations as they may prescribe, and shall be subject at any time to be taken back within the enclosure of the penitentiary from which he was permitted to go at large for any reason which may be satisfactory to the commissioners and at their sole discretion; and, upon the request of the commissioners, the Governor may order said paroled convict to be returned to the penitentiary. Full power to retake and return any such paroled convict to the penitentiary from which he was permitted to go at large, is hereby expressly conferred upon the Governor, whose written order, when duly signed and attested by the seal of the State of Colorado, shall be a sufficient warrant authorizing all officers named therein to return to actual custody in the penitentiary from which he was permitted to go at large any paroled convict, and it is hereby made the duty of all officers to execute said order the same as in ordinary criminal process.

Sec. 5. The paroled convict who may, upon the order of the Governor, be returned to the penitentiary, shall be retained therein according to the terms of his original sentence and in computing the period of his confinement the time between his release upon said permit and his return to said penitentiary shall not be taken to be any part of the term of the sentence.

Sec. 6. This Act shall not be construed in any sense to operate as a discharge of any convict paroled under its provisions but simply a permit to any such convict to go

without the enclosure of the penitentiary, and if, while so at large, he shall so behave and conduct himself as not to incur his reincarceration, then he shall be deemed to be still serving out the sentence imposed upon him by the court and shall be entitled to good time the same as if he had not been paroled. But if the said paroled prisoner shall be returned to the said penitentiary, as hereinbefore provided, then he shall serve out his original sentence as provided for in section 5 of this act.

[NOTE—This bill was filed with the Secretary of State without the Governor's signature, and without his objections on May 3, 1899, and hence became a law under Art. IV, Sec. 11 of Constitution.]

CHAPTER 105.

IRRIGATION.

(S. B. No. 429, by Senator Taylor.)

AN ACT

IN RELATION TO IRRIGATION.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. Every person desirous of changing the point of diversion of his right to use water from any of the streams of this state, shall present his petition to the district court from which the original decree issued, praying that such change may be granted to him, and the practice and procedure on the hearing of such petition shall be the same as if said petition were for an original decree. The court shall require proof that all parties who may be affected by such change have been duly notified of the proceeding; and shall hear evidence to determine whether or not such change will injuriously affect

Diversion of water right, how changed.

Notify parties affected.

Court enter
decree.

the vested rights of others in and to the use of water; and if the said court shall find that such change will not injuriously affect the rights of others, a decree shall be entered allowing said party to make such change.

Owner prepare
maps.

File maps with
county clerk
and state
engineer.

Allotment of
priority.

Owner may ex-
change or loan
water right.

Emergency.

Sec. 2. Upon the granting of such decree as provided for in the first section hereof, the party desirous of making such change shall cause to be prepared two accurate maps showing the old and new ditches, the surrounding lands, and the lands of other owners in the vicinity, in the same manner as required in the case of original appropriations of water; and shall file one of said maps and a certified copy of the decree with the county clerk of the county in which the headgate of the ditch, as sought to be changed, is situate; and another copy of said map and decree shall be filed with the State Engineer, whereupon said State Engineer shall issue a notice to the water commissioner having jurisdiction over said ditch, notifying him of the change made, and thereupon said water commissioner shall allot the priority right to the use of water to the new ditch which formerly was allotted to the original ditch, and shall recognize such change in the distribution of water.

Sec. 3. It shall be lawful, however, for the owners of ditches and water rights taking water from the same stream, to exchange with, and loan to, each other, for a limited time, the water to which each may be entitled, for the purpose of saving crops or of using the water in a more economical manner; Provided, That the owner or owners making such loan or exchange, shall give notice in writing signed by all the owners participating in said loan or exchange, stating that such loan or exchange has been made, and for what length of time the same shall continue, whereupon said water commissioner shall recognize the same in his distribution of water.

Sec. 4. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved April 6, 1899.

CHAPTER 106.

IRRIGATION.

(S. B. No. 63, by Senator Meyer.)

AN ACT

CONCERNING IRRIGATION.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That water District No. 25. shall consist of all lands irrigated by water taken from the San Luis creek and all its tributaries. Boundaries district No. 25.

Sec. 2. That water District No. 35 shall consist of all lands lying in the county of Costilla, in this State, watered by the Trinchera Creek, Sand or Medano creek. Big Spring Creek, Little Spring Creek, Mosca creek, North and South Zapato creeks, Sierra Blanca Creek, and all streams draining into the said creeks, and all other streams between said Trinchera Creek and said Sand or Medano creek. Boundaries district No. 35.

Sec. 3. All acts and parts of acts inconsistent with this act are hereby repealed. Repeal.

Approved April 10, 1899.

CHAPTER 107.

INTEREST—RATES OF.

(S. B. No. 15, by Senator Porterfield.)

AN ACT

AMENDING SECTION 4. OF AN ACT ENTITLED "AN ACT REGULATING RATES OF INTEREST AND REPEALING CERTAIN ACTS IN CONFLICT HEREWITH," APPROVED MARCH 22ND, 1889.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. Section 4. of an act entitled "An Act regulating rates of interest and repealing certain acts in conflict herewith;" Approved March 22, 1889, be and the same is hereby amended to read as follows;

Evidences of municipal indebtedness shall bear interest at six per cent. except.

When warrant presented for payment, if no funds, treasurer endorse.

Proviso.

Sec. 4. County orders and warrants, town and city and school orders and warrants, and other like evidences or certificates of municipal indebtedness, shall bear interest at the rate of six per centum per annum from the date of the presentation thereof for payment at the treasury where the same may be payable, until there is money in the treasury for the payment thereof, except when otherwise specially provided by law, and every county treasurer, town treasurer and city treasurer to whom any such county, town, city or school order or warrant is presented for payment, and who shall not have on hand the funds to pay the same, shall endorse thereon the rate of interest said order or warrant will draw, and the date of such presentation, and subscribe such endorsement with his official signature, Provided: That, all such orders and warrants may be made to bear a lower rate of interest than above specified, by special agreement between such counties, towns and cities issuing the same, and the person to whom such orders or warrants are issued.

Approved March 22, 1899.

CHAPTER 108.

JOINT DEBTORS.

(H. B. No. 152, by Mr. Ballinger.)

AN ACT

TO ALLOW THE RELEASE OF JOINT DEBTORS.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. A creditor of joint debtors may release one or more of such debtors, and such release shall operate as a full discharge of such debtor or debtors so released, but such release shall not release or discharge or affect the liability of the remaining debtor or debtors. Such release shall be taken and held to be a payment in the indebtedness of the full proportionate share of the debtor or debtors so released.

Creditor may release one or more of joint debtors. Such release not release remaining debtors. Such release full payment.

Sec. 2. In case one or more joint debtors are released, no one of the remaining debtors shall be liable for more than his proportionate share of the indebtedness, unless he is the principal debtor and the debtor released was his surety, in which case such principal debtor or debtors shall be liable for the whole of the remainder of the indebtedness.

Each remaining debtor liable only for his share, unless.

Sec. 3. Nothing herein shall affect or change the right of a surety who has paid his proportionate share of an indebtedness from recovering the same from his principal debtor.

Not affect right of surety to recover.

Approved April 10, 1899.

CHAPTER 109.

JOURNALS OF SENATE AND HOUSE OF REPRESENTATIVES.

(S. B. No. 41, by Senator Taylor.)

AN ACT

CONCERNING THE COMPILING, INDEXING, PUBLICATION AND DISTRIBUTION OF THE JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF COLORADO.

Be it Enacted by the General Assembly of the State of Colorado :

Duty of secretary of state to have published 500 copies journals of each house.

Section 1. The Secretary of State is authorized and it is hereby made his duty to have five hundred copies of each of the journals of the Senate and House of Representatives published as soon as practicable after the adjournment of each General Assembly.

Engrossing clerks keep journals copied from day to day.

The Secretary and Assistant Secretary of the Senate, and the Clerk and Assistant Clerk of the House of Representatives, respectively, shall cause the engrossing clerks and their assistants, and such other assistants as may be assigned by the President of the Senate and Speaker of the House, to keep the respective journals copied from day to day until adjournment and checked up to the journals, and said Secretary of the Senate and Clerk of the House shall, within ten days after the adjournment of the General Assembly, deposit with the Secretary of State the original journals of their respective branches, together with a complete copy of the same ready for printing, except indexing, and said Secretary of the Senate and Clerk of the House shall not receive any warrant for their last twenty days' services as such secretary and clerk, until they shall have deposited such originals and copies of the journals as above specified.

Original journals and copies to be deposited with secretary of state within ten days after adjournment.

Should the work of the last days of the General Assembly be such that the clerical force mentioned will, with their other duties, be unable to keep the journals up to date of adjournment, the President of the Senate and Speaker of the House may each detail not to exceed four competent and efficient clerks to remain for not to exceed four days after adjournment and assist the Secretary and Chief Clerk in completing said journals. Said detailed clerks to receive not to exceed four dollars (\$4.00) per diem, for such work, and not to receive any pay until the Secretary of the Senate and Clerk of the House certify that the work is completed. Together with such copies, there shall also be deposited by such Secretary and Clerk a brief index of all bills, memorials and resolutions of the Senate and House, respectively, as well as the complete reference file of each house, which is ordinarily and is hereby required to be prepared by such Secretary and Clerk as soon as practicable after the expiration of the time for the introduction of bills in each General Assembly. It shall be the duty of the Secretary of State to carefully compare said originals with the copies of said journals, making corrections where corrections are needed, and have such copies of such journals so corrected, together with such indexes and reference files, printed, and when the proof sheets have been corrected the same shall be indexed by the Secretary of State. The Secretary of State will then have said journals and index published and shall certify to the correctness of the copies of the original journals so published, which certificate shall be included in and made a part of such publications. The said journals, when printed and certified as aforesaid, as well as all former printed volumes of the Senate and House journals of the General Assemblies of the State of Colorado, purporting to have been published by authority of the state, shall be taken and deemed to have been published by authority of the State of Colorado, and shall be taken and held as prima facie evidence of the original records. Provided, for the preparation of the journals of the Sen-

Extra clerks may be appointed to complete journals.

Compensation.

Also be deposited index of bills, memorials, resolutions and reference files of each house.

Secretary of state compare, correct and index copies of journals.

Have same published with certificate of correctness.

Printed journals prima facie evidence of originals.

Compensation secretary of senate, clerk of house. ate and House of Representatives of the Twelfth General Assembly, the Secretary of the Senate shall receive three hundred dollars and the Clerk of the House of Representatives four hundred dollars.

Disposition of journals. Sec. 2. The Secretary of State shall deliver one copy of each of the said journals to the county clerks of the several counties of the state, and the county clerks shall keep them on file for public inspection, and, also, one copy each to the members of the General Assembly, and one copy to each of the elective state officers, and to each District and County Judge in the State.

Secretary of state receive no fee for services. Sec. 3. The services herein required to be performed by the Secretary of State, shall be done and performed by him as one of the duties of his office and without any extra fee, charge or compensation whatsoever. The cost of the publication of said journals shall be paid out of any money available and appropriated for the payment of the incidental and contingent expenses of the General Assembly.

Repeal. Sec. 4. All acts and parts of acts in conflict or inconsistent with this act are hereby repealed.

Emergency. Sec. 5. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved March 30, 1899.

CHAPTER 110.

JURY—JUSTICE COURT.

(H. B. No. 47, by Mr. Kamm.)

AN ACT

FIXING THE NUMBER OF JURORS IN ALL TRIALS BEFORE JUSTICES OF THE PEACE FOR OFFENSES WITHIN THEIR JURISDICTION, AND PROVIDING THE METHOD OF PROCURING AND EMPANELLING THE SAME.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. In all trials before justices of the peace for offenses within their jurisdiction, the defendant may demand a jury, which shall consist of six jurors, or a less number, not fewer than three, if the same be agreed upon by the state and the accused, and thereupon the justice shall issue a venire for said jury as in civil cases in justice courts, and said jury shall be empaneled and sworn as in cases of misdemeanor in courts of record, but nothing herein shall be held to authorize a jury in justice courts on preliminary examinations.

Jury consist of six or less, not fewer than three, if.

Justice issue venire.

Empaneled and sworn, how.

Approved April 8, 1899.

CHAPTER 111.

JURY—VERDICT.

(S. B. No. 142, by Senator Parks.)

AN ACT

REGULATING THE JURY SYSTEM, IN CIVIL CASES.

Be it Enacted by the General Assembly of the State of Colorado :

Verdict by
three-fourths of
jurors same
force and effect
as by all.

Verdict by
three-fourths of
jurors shall be
signed by each
juror concur-
ring.

If whole jury
concur, only
foreman sign.

Proviso.

Repeal.

Section 1. That hereafter in all civil cases in courts of record which shall be tried by a jury not less than three-fourths of the number of jurors sitting in such case may concur in and return a verdict therein, and such verdict shall have the same force and effect as though found and returned by all of the jurors sitting in said case; but whenever such verdict is found and returned by less than the whole number of such jury said verdict shall be signed by each juror concurring therein; if the whole number of such jury shall concur in such verdict then it shall be sufficient for the foreman of such jury to sign the same; Provided, That in all cases commenced before the enactment of this act, no verdict shall be returned except upon the concurrence of all of the jurors engaged upon the trial of such case.

Sec. 2. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved April 22, 1899.

CHAPTER 112.

LEGISLATIVE EMPLOYES.

(S. B. No. 26, by Senator McCreery.)

AN ACT

TO PRESCRIBE THE NUMBER, DUTIES AND COMPENSATION OF
THE OFFICERS AND EMPLOYES OF THE GENERAL AS-
SEMBLY.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. Until otherwise provided by law, the ^{Legislative} Officers and Employes of the respective Houses of the ^{employees.} General Assembly of Colorado may be, and shall not exceed the following:

Of The Senate:

A Secretary, Assistant Secretary, Reading Clerk, ^{Senate.} Bill Clerk, Docket Clerk, Sergeant-at-Arms, Two Assistant Sergeant-at-Arms [Sergeants-at-Arms], Chaplain, Chief Enrolling Clerk, with not more than one Assistant Enrolling Clerk, Chief Printing Clerk, with not more than one Assistant Printing Clerk, two Messengers, one Doorkeeper and one Assistant Doorkeeper, Janitor for Chamber, Janitor for Committee Rooms, one Janitor for Cloak Room and Gallery, Telephone Messenger, Night Watchman, Matron for Women's Gallery, four Pages, and clerks for each of the following named Committees, as follows: Judiciary, one; Revision, Two; Finance, one; Corporations and Railroads, and Banking and Insurance, one jointly.

The Committees on Agriculture and Irrigation, and Education and Educational Institutions, one jointly; and four other Committee Clerks to be assigned by the Pres-

ident of the Senate to the remaining Committees, as required.

Of The House:

House.

A Chief Clerk, an Assistant Clerk, Reading Clerk, Bill Clerk, Docket Clerk, Sergeant-at-Arms, three Assistant Sergeant-at-Arms (Sergeants-at-Arms), Chaplain, Chief Enrolling Clerk, with not more than one Assistant Enrolling Clerk, Chief Printing Clerk, two Assistant Printing Clerks, two Messengers, one Doorkeeper, two Assistant Doorkeepers, one Janitor for Chamber, one Janitor for Committee Rooms, one Janitor for Cloak Room and Gallery, Telephone Messenger, one Night Watchman, one Matron for Women's Gallery, six Pages, and Clerks for each of the following named Committees: Judiciary, one; Revision and Constitution, two; Finance, Ways and Means, Corporations, Agriculture and Irrigation, and Appropriations, each one; and four additional Committee Clerks to be assigned by the Speaker to the remaining Committees as may be required.

Revision committee, duty of.

Sec. 2. All bills referred to the Revision Committee of either house shall be engrossed by that Committee, and reported for third reading, revised and engrossed without reference to any other Committee.

Clerks, qualifications of.

All Clerks of the Revision and Enrollment Committees, except Detailed Clerks to such Committees, shall be Expert Typewriters, and the work of engrossment and Enrollment may be done by Typewriter with indelible ribbon. All enrolled bills shall be made in duplicate, and the duplicate shall be filed with the State Auditor.

May assign clerks.

The President of the Senate or Speaker of the House may, at the request of the Revision or Enrolling Committee, when the labor required to be done by the Clerks of said Committees can not be done by the said Clerks, detail any other competent clerk of the Senate or House to assist in the labor to be done by said Committee: Provided, That in case of an emergency during the last ten days of the session the President of the Senate and the

Speaker of the House may each employ not to exceed two Enrolling Clerks.

All such officers and employes shall be selected by ^{How selected.} the House employing them, and they shall perform the duties usually performed by like officers and Employes, and such other duties as may be required of them by the House employing them. All Clerks herein provided for shall be assignable and all Printing Clerks shall be skilled and competent proof readers.

Sec. 3. The Secretary of the Senate and Chief Clerk ^{Compensation.} of the House shall receive \$6 per day; Assistant Secretary and Assistant Clerk, each \$5 per day; Reading Clerks, \$5 per day; Bill Clerks, \$4 per day; Docket Clerks, \$4 per day; Sergeant-at-Arms, \$5 per day; Assistant Sergeant-at-Arms and Night Watchman \$4 per day; Messengers, Doorkeepers, Assistant Doorkeepers and Janitors, \$3 per day; Chaplains, \$3 per day; Pages, \$2 per day; Chief Revision Clerks, Chief Enrolling Clerks, Chief Printing Clerks, Clerks of Judiciary Committees and Clerks of Revision and Finance Committees, each \$4 per day; all other Committee Clerks the sum of \$4 per day; Matrons for Women's Gallery, \$3 per day; Provided, That the pay of all Officers and Employes shall cease and determine upon final adjournment of the Leg- ^{Proviso.}islature, except the pay of the Secretary of the Senate, Assistant Secretary of the Senate, Clerk and Assistant Clerk of the House, who shall each be allowed pay for ten days after such final adjournment for completing the records of the proceedings of the session.

Sec. 4. That all acts and parts of acts inconsistent ^{Repeal.} herewith are hereby repealed.

Approved March 24, 1899.

CHAPTER 113.

LIMITATIONS ON CAUSES OF ACTION ARISING WITHOUT THE STATE.

(S. B. No. 366, by Senator Whitford.)

AN ACT

TO AMEND AN ACT APPROVED ON THE 29TH OF APRIL, 1895, ENTITLED "AN ACT TO LIMIT THE TIME IN WHICH SUITS MAY BE BROUGHT UPON CAUSES OF ACTION ACCRUED OR JUDGMENTS OR DECREES RENDERED WITHOUT THIS STATE AND TO REPEAL VARIOUS ACTS IN CONFLICT OR INCONSISTENT THEREWITH."

Be it Enacted by the General Assembly of the State of Colorado:

Amendment.

Section 1. That an Act entitled "An Act to limit the time in which suits may be brought upon causes of action accrued or judgments or decrees rendered without this state and to repeal various acts in conflict or inconsistent therewith," Approved April 29th, 1895, be and the same is hereby amended so as to read as follows, namely:

Action commenced in this state.

Section 1. It shall be lawful for any person against whom an action shall be commenced in any court of this state, wherein the cause of action accrued without this state, upon a contract or agreement expressed or implied, or upon a sealed instrument in writing, or upon a judgment or decree rendered in any court without this state, more than six years before the commencement of the action in this state, to plead the same in bar of the action in this state; provided, that if said judgment or decree rendered without this state be based upon a cause of action which had accrued more than six years prior to the commencement of the action on such judgment or

May plead limitation, when.

decree in this state, and the said judgment or decree had been rendered without this state more than three months prior to the bringing of such action thereon in this state, it shall be lawful for any person against whom any action or such judgment or decree shall be brought, to plead the same in bar thereof; and

Provided, further, that no defendant shall be allowed to plead the fact that the cause of action on which such judgment or decree was based accrued more than six (6) years, and that such judgment or decree was rendered without this state more than three (3) months before the commencement of said action thereon in this state, unless the defendant shall be a bona fide resident of this state; and

Defendant must be bona fide resident.

Provided, further, that if at any time after a period of six (6) months from and after the passage of this act any action, suit or proceeding be brought against any bona fide resident of this state in the courts of any other state, territory or jurisdiction beyond the limits of this state upon any debt; contract, demand or liability that at the time of the commencement of such action, suit or proceeding was wholly barred by the Statute of Limitations of this state so that no action, suit or proceeding could be commenced upon the same in any of the courts of this state, and a judgment or decree should be rendered upon any such debt, contract, demand or liability in such other state, territory or jurisdiction, and any action, suit or proceeding should afterwards be commenced in this state upon such a judgment or decree so rendered against said defendant and said defendant should still be a bona fide resident of this state, it shall be lawful for such defendant to plead in bar to any such action that said judgment or decree had been so recovered upon a debt, contract, demand or liability that was wholly barred by the Statute of Limitations in this state at the time the action, suit or proceeding was commenced upon the same in such other state, territory or jurisdiction.

May plead limitation on action brought in this state upon judgment rendered without.

Repeal.

Sec. 2. Section 16 of Chapter 60 of the General Laws of 1877, concerning limitations; also, Section 1 of an Act entitled "An Act concerning limitations of actions in the courts of justice," approved February 14, 1879; also, Section No 2178 of the General Statutes of the State of Colorado, the same being section 16 of Chapter LXVI., and all other acts or parts of acts in conflict with this act; be and the same are hereby repealed.

Emergency.

Sec. 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 6, 1899.

CHAPTER 114.

LIVE STOCK.

(S. B. No. 293, by Senator Taylor.)

AN ACT

TO AMEND SECTION 1307 OF THE GENERAL STATUTES OF THE
STATE OF COLORADO, 1883.

Be it Enacted by the General Assembly of the State of Colorado :

Amendment.

Section 1. That section 1307 of the General Statutes of the state of Colorado, 1883, be, and the same is hereby amended so as to read as follows:

Owner not permit inferior animals to run at large.

Sec. 1307. No mustang or other inferior stallion over the age of one year, nor any Texan, Mexican or Cherokee bull or other inferior bull over the age of one year, nor any Mexican or other inferior ram over the age of two months, shall be permitted to run at large in this state; nor shall any stallion over the age of one year be permitted to run at large in said state, except with a

band of mares not less than ten in number. The owner or person in charge of such animal or animals as are prohibited from running at large by this section, who shall permit such animals to run at large in violation of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished as hereinafter provided; and it shall be lawful for any stock-grower to castrate or cause to be castrated any such animal found running at large; Provided, That if any person shall castrate any animal belonging to another, without his permission, and it shall on proper evidence before any competent court, be proven to the satisfaction of said court that such animal was not within the prohibition of this section, said person so castrating such animal, or animals, shall be liable for damages in three times the value of the animal so castrated and costs of suit.

Misdemeanor.
Lawful to
castrate.

Proviso.

Any person allowing or permitting cows of which he is the owner, or agent of the owner, to run at large upon the public ranges of this state shall provide and furnish at least one (1) bull of not less than eighteen months of age for every twenty-five (25) head of cows, or fraction thereof over 10 head so permitted to run at large in this state; Provided, however, That this provision shall not apply to any person owning or permitting to run at large less than twenty (20) cows. The bull or bulls to be furnished under the preceding provision hereof shall be at least one half blood or high grade and shall not include any Texan, Mexican or Cherokee bull or other inferior bull of any breed whatsoever; nor shall any such owner or agent allow or permit any Jersey bull or bulls to run at large in this state under any pretense whatever; and any stallion, bull or ram having one quarter ($\frac{1}{4}$) mustang, Texan, Mexican or Cherokee blood, as the case may be, shall be held to be within the prohibition of this section.

Owner must
furnish bull.

Proviso.

Animals
prohibited.

Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each offense, and each day an inferior stallion, bull or

Penalty for vio-
lation.

ram, prohibited from running at large by this section, shall be permitted so to do, shall constitute a separate offense, and each day any owner or agent shall fail to provide each bull as herein above required, shall be deemed a separate offense.

Approved April 6, 1899.

CHAPTER 115.

LIVE STOCK—INSPECTION OF.

(S. B. No. 114, by Senator Stratton.)

AN ACT

IN RELATION TO LIVE STOCK AND TO PROVIDE FOR THE INSPECTION OF THE SAME BEFORE SHIPMENT OR REMOVAL BEYOND THE BOUNDARIES OF THIS STATE AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT, AND TO REPEAL ALL ACTS INCONSISTENT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado :

Hold stock for
inspection.

Section 1. That it shall be the duty of every person, or persons, firm, Association or Corporation, shipping or driving any cattle or horses out of this State, to hold the same at some convenient place for inspection as hereinafter provided by this Act, and it shall be unlawful for any person or persons, firm, association or corporation [corporation] to ship, drive or in any manner remove beyond the boundaries of this State any herd, band or carload of cattle or horses until the same shall have been duly inspected as hereinafter provided for.

Unlawful to
ship without
inspection.

Unlawful for
railroad com-
pany to trans-
port without
certificate.

Sec. 2. It shall be unlawful for any railroad company to receive for transportation beyond the boundaries of this State, any herd, band or carload of cattle or horses until the same shall have been duly inspected as hereinafter required by this Act, and until such railroad

company shall have been furnished with a certificate by a duly authorized inspector, showing that the brands or ear marks upon such cattle or horses have been duly inspected as required by this act, and any railroad company, or any officer, Agent or servant of any railroad company who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be fined not less than One Hundred dollars and not more than Five Thousand Dollars, in the discretion of the Court. Penalty.

Sec. 3. Every person or persons, firm, association or corporation, or their, or either of their agents, servants or employes, having in charge cattle or horses destined for transportation by rail or to be driven beyond the limits of this State, shall make application to the State Inspection Board or some duly authorized Inspector to inspect the brand or brands and ear marks of any such cattle or horses, stating in such application the time and place, when and where said cattle or horses will be ready for inspection, and it shall be the duty of such inspector or some other inspector to be designated by the Board of Inspection of this State, to attend at the time and place designated in such application and inspect said cattle or horses, make the necessary record and give the necessary certificate required by the provisions of this Act, free of charge to the owner of said cattle or horses, or to said railroad company or corporation, that in all cases of cattle or horses transported out of this State by rail the place of inspection shall be at some stock yard or other convenient place near the proposed point of shipment of said cattle or horses from this State, and provided further, that if the owner or person in charge of said cattle or horses shall cause any unreasonable delay or loss of time to such inspector so notified to attend, such owner or person in charge of any such cattle or horses shall pay the expenses and salary of such inspector during such delay or loss of time, not to exceed Five Dollars per day. Shall inspect stock and furnish certificate.

Inspection, where made.

Owner responsible for delay.

Sec. 4. It shall be the duty of the cattle inspector who shall be notified as hereinbefore provided, or who shall be selected by the Commissioners of Inspection or

Inspector make sworn report. Board of Inspection, to inspect the brands and ear marks of any cattle or horses transported or driven out of this State, and to make a sworn report to the secretary of the Inspection Board of the result of such inspection at least once in every thirty days and oftener if in the opinion of the Secretary of said of Inspection it shall be necessary so to do. It shall also be the duty of said inspector to furnish to any person, firm, association or corporation, or their, or either of their agents, servants or employes having cattle or horses destined for transportation by rail or to be driven beyond the limits of this state, with a certificate to the effect that they have duly inspected the brands and ear marks of any such cattle enumerated and designated in the notice furnished such inspector as herein provided for.

Furnish certificate.

Contents.

Inspector guilty of felony, when. Sec. 5. Any Inspector who shall knowingly make any false certificate under the provisions of this act, and who shall knowingly swear falsely as to the truth of any report made by him to the Secretary of said Inspection Board, or who shall accept any bribe or compensation for the performance or failure to perform the duties prescribed by this act, except such compensation as may be made by way of salary as such inspector, shall upon conviction thereof be guilty of a felony, and be fined in a sum not exceeding one thousand dollars or imprisonment in the State Penitentiary not exceeding five years, or both, at the discretion of the Court.

Penalty.

Owner guilty of felony, when. Sec. 6. Any person, firm, association or corporation, who shall violate any of the provisions of this act, or who shall remove any band, herd or carload of cattle or horses beyond the limits of this State except for grazing or pasturage without having the same inspected as required by the provisions of this Act, shall be deemed guilty of a felony, and upon conviction thereof shall be fined in any sum not less than five dollars and not more than five thousand dollars, or be imprisoned in the State Penitentiary of this State for a period not less than one year nor more than three years, or both such fine and imprisonment. But nothing in this Act contained shall be construed as in

Penalty.

any manner affecting the laws now in force respecting the larceny of live cattle or stock.

Sec. 7. All acts or parts of acts in conflict with this ^{Repeal.} act are hereby repealed.

Approved April 14, 1899.

CHAPTER 116.

LIBRARY COMMISSIONERS.

(S. B. No. 282, by Senator Roe.)

AN ACT

PROVIDING FOR THE APPOINTMENT AND PRESCRIBING THE POWERS AND DUTIES OF A STATE BOARD OF LIBRARY COMMISSIONERS AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. There is hereby created a board of library commissioners to consist of five persons, residents of the State, who shall be appointed by the governor, who shall serve without compensation. Upon the passage of this act the governor shall immediately appoint one person to serve for one year, one for two years, one for three years, one for four years, and one for five years, and annually thereafter one for five years. The governor shall fill all vacancies for the unexpired term. The term of office for the commissioners shall begin on April 15. The Commission shall annually elect a president and Secretary.

Governor appoint board of commissioners.

Term of office.

Sec. 2. The commission shall give assistance, advice and counsel to all free libraries in the State, to all committees which may propose to establish them, and to all persons interested as to the best means of establishing

Duty of commission.

and administering such libraries, the selection of books, catalogueing, [cataloguing] maintenance, and other details of library management, as it shall find practicable. The Commission may also send its members to aid in organizing new libraries or improving those already established.

Library make
report to com-
mission.

Sec. 3. Every library supported wholly or in part by public funds shall make an annual report to the commission in a form designated by the commission. This includes public libraries, school, college and university libraries, State and Supreme Court libraries.

Commission
report.

Sec. 4. The commission shall make a biennial report to the governor, and five hundred copies of this report shall be published as other official reports are published.

Auditor draw
warrant.

Sec. 5. The board may expend a sum not exceeding two hundred fifty dollars annually, for clerical assistance and incidental necessary expenses, including traveling expenses in discharge of its duties, and all sums expended under the provision of this act shall be paid by the State Treasurer on warrant of the auditor of State after the bills have been approved by the president and Secretary of the Board.

Appropriation.

Sec. 6. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, a sum sufficient to pay the amount aforesaid.

Emergency.

Sec. 7. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 10, 1899.

CHAPTER 117.

LUNACY COMMISSION.

(S. B. No. 123, by Senator Crosby.)

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH THE COLORADO INSANE ASYLUM, AND PROVIDING FOR ITS LOCATION," APPROVED FEBRUARY 8, 1879, AND REPEALING CERTAIN ACTS IN CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. The management of said Asylum shall be vested in a State Board of Lunacy Commissioners, to be composed of three members, no two of whom shall reside in the same Judicial District, and said Commissioners shall be appointed by the Governor and confirmed by the Senate, and shall hold their office for the term of six years, unless sooner removed by the Governor for cause, and until their successors are appointed and qualified and they shall receive six hundred dollars (\$600) each per annum, payable quarterly. Immediately upon the passage of this act the Governor shall appoint three Commissioners, one for two years, one for four years, one for six years; thereafter each appointment shall be for the full term of six years, except it be to fill a vacancy, and then it shall be for the unexpired term for which such Commissioner is appointed.

Sec. 2. The Board of Lunacy Commissioners shall have full control and supervision of all the property and over the grounds and buildings of the Institution, and shall have the entire government and management of the same.

Duty of
commission.

They shall prescribe and publish all rules and by-laws for the management of the affairs of the Asylum and its Inmates, and for the government of its officers and employes, and shall make proper provision for the reception, treatment, discharge and transfer either from or to other Institutions, or from the Asylum to family care, and the return therefrom of all inmates who may be committed to the Asylum, and said Board shall keep in a book provided for that purpose a full and complete record of their acts and doings as such commissioners, in which book, among other things, shall be kept the date of each visitation of the Asylum by the Board in a body, or by individual members thereof, and the general condition of the Asylum and its inmates.

Meetings, when
held.

Sec. 3. The commissioners shall hold quarterly meetings at the Asylum for the transaction of the business and affairs entrusted to their care, which meetings are to be held on the first Tuesday in the months of March, June, September and December of each year, and, if any Commissioner shall fail to attend the regular meetings of the Board for a period of one year after his appointment, his office shall thereby become vacant, and shall be so declared by resolution of the Board, and a certified copy of such resolution shall forthwith be transmitted by the Board to the Governor, who thereupon shall fill the vacancy by appointment.

Superintendent
physician with
ten years'
experience.

Sec. 4. The Commissioners shall appoint a superintendent who shall hold his office during their pleasure, and who shall be a Physician, a graduate of an incorporated Medical College, of at least ten years experience in the actual practice of his profession and with at least five years actual experience [experience] in a hospital for the treatment of the Insane. The Superintendent shall reside at the Asylum and shall give his entire time and attention to the discharge of his official duties and shall receive such compensation as shall be fixed by the Commissioners, not to exceed the sum of three thousand dollars (\$3,000) per annum and maintenance. He shall give a

Reside at
asylum.

Compensation.

bond in the sum of five thousand dollars (\$5,000), conditioned for the honest and faithful discharge and performance of his duties, said bond to be approved by the Commissioners. The Commissioners may further provide for an Assistant Superintendent who shall be a Physician of at least five years practice in his or her profession, and for such other assistants and employes as may be necessary, and they shall prescribe their duties and fix their respective compensation. All such assistants and employes shall be selected and appointed by the Superintendent, subject to the approval of the Commissioners, and they shall hold their positions subject to such rules and regulations as the Commissioners may prescribe. Provided, that nothing in this act shall be construed as affecting the tenure of office of the present superintendent for causes originating prior to the passage of this Act.

Give bond.

Assistant superintendent physician of five years' experience.

Assistants and employes.

Sec. 5. The commissioners shall have the power to appoint two or more resident Physicians, one of whom shall be a woman, who shall serve without compensation, except room, board and washing, which shall be furnished at the Asylum.

Commissioners appoint.

Sec. 6. The State Treasurer shall be ex officio Treasurer of the Asylum and he shall receive all moneys accruing from all sources and apply the same to the fund for the Insane to be disbursed as the law directs.

State treasurer be ex officio treasurer.

Sec. 7. The Judge of the Court committing a person to the said Asylum, shall in addition to the order of commitment, issue a certificate under the seal of the Court, showing the name, age, sex, nativity and occupation of the person so committed, and further showing the place of residence of such person, how long such person has resided in Colorado, the place of residence of such person next before coming to Colorado, the name of the person making the petition for commitment, the names of the witnesses examined upon the trial of such person for insanity, and the names of the jurors before whom such person was tried; and if the person so committed is a poor or indigent person, and it affirmatively appears upon the

Judge issue certificate.

Certificate to contain.

Return of non-
resident.

face of said certificate or otherwise that the person so committed had not prior to such commitment acquired a legal residence in the State, then it shall be the duty of the Commission of Lunacy, by and with the consent of the Governor, to return such insane person either before or after his admission to the Insane Asylum, to the country or state to which he belongs, or in which he resided prior to coming to Colorado, and for this purpose the said Commission may expend so much of the money appropriated for the care of the Insane as may be necessary.

Repeal.

Sec. 8. Section two (2) of an Act entitled "An Act to establish the Colorado Insane Asylum, and providing for its location," Approved February 8, 1879, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved April 18, 1899.

CHAPTER 118.

MECHANICS LIENS.

(S. B. No. 428, by Senator McCreery.)

AN ACT

TO SECURE LIENS TO MECHANICS AND OTHERS AND TO REPEAL AN ACT ENTITLED "AN ACT TO SECURE LIENS TO MECHANICS AND OTHERS, AND TO REPEAL ALL LAWS IN CONFLICT THEREWITH," APPROVED APRIL 3, 1893, AND ALL OTHER ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. Mechanics, Material-men, contractors, subcontractors, builders, and all persons of every class performing labor upon or furnishing materials to be used in the construction, alteration, addition to, or repair, either in whole or in part, of any building, mill, bridge, ditch, flume, aqueduct, reservoir, tunnel, fence, railroad, wagon road, tramway or any other structure or improvement, upon land, and also architects, engineers, draughtsmen and artisans who have furnished designs, plans, plats, maps, specifications, drawings, estimates of cost, surveys or superintendence, or who have rendered other professional or skilled service, or bestowed labor in whole or in part, describing or illustrating, or superintending such structure, or work done or to be done, or any part connected therewith, shall have a lien upon the property upon which they have rendered service or bestowed labor or for which they have furnished materials or mining or milling machinery or other fixtures for the value of such services rendered or labor done or material furnished, whether at the instance of the owner, or of any other person acting by his authority

Liens upon
property shall
issue, to whom.

Shall be held to be owner or agent.

or under him, as agent, contractor, or otherwise; for the work or labor done or services rendered or materials furnished, by each respectively, whether done or furnished or rendered at the instance of the owner of the building or other improvement, or his agent; and every contractor, architect, engineer, sub-contractor, builder, agent or other person having charge of the construction, alteration, addition to, or repair, either in whole or in part, of any building or other improvement, as aforesaid, shall be held to be the agent of the owner for the purposes of this act.

Extent of lien.

In case of a contract for the work, between the reputed owner and a contractor, the lien shall extend to the entire contract price and such contract shall operate as a lien in favor of all persons performing labor or services or furnishing materials as herein provided under contract, express or implied, with said contractor, to the extent of the whole contract price; and after all such liens are satisfied, then as a lien for any balance of such contract price in favor of the contractor. All such contracts shall be in writing when the amount to be paid thereunder exceeds five hundred dollars, and shall be subscribed by the parties thereto, and the said contract, or a memorandum thereof, setting forth the names of all the parties to the contract, a description of the property to be affected thereby, together with a statement of the general character of the work to be done, the total amount to be paid thereunder, together with the times or stages of the work for making payments, shall, before the work is commenced, by the owner or reputed owner be filed in the office of the County Recorder of the County where the property, or the principal portion thereof, is situated; and in case such contract is not filed, as above provided, the labor done and materials furnished by all persons aforesaid before such contract or memorandum is filed, shall be deemed to have been done and furnished at the personal instance of the owner, and they shall have a lien for the value thereof.

Contracts in writing.

File contract with county clerk.

Absence of contract.

Sec. 2. No part of the contract price, shall, by the Payment made, when. terms of any such contract, be made payable, nor shall the same, or any part thereof, be paid, in advance of the commencement of the work, but the contract price shall, by the terms of the contract, be made payable in installments, or upon estimates, at specified times after the commencement of the work, or on the completion of the whole work; Provided. That at least fifteen per cent. of the whole contract price shall be made payable at least thirty-five days after the final completion of the contract.

No payment made prior to the time when the same Part payment is due, under the terms and conditions of the contract, shall be valid for the purpose of defeating, diminishing or discharging any lien in favor of any person, except the contractor, or other person to or for whom the payment is made, but as to such liens, such payment shall be deemed as if not made, and shall be applicable to such liens, notwithstanding that the Contractor or other person to or for whom it was paid may thereafter abandon his Contract, or be or become indebted to the reputed owner in any amount for damages or otherwise, for nonperformance of his Contract or otherwise. As to all liens, except those of principal Contractors, the whole contract price shall be payable in money, and shall not be diminished by any prior or subsequent indebtedness, offset or counter claim, in favor of the reputed owner and against the principal Contractor, and no alteration of such Contract shall affect any lien acquired under the provisions of this act. In case such contracts and alterations thereof do not conform substantially to the provisions of this section, the labor done and materials furnished by all persons other than the principal Contractor shall be deemed to have been done and furnished at the personal instance and request of the person who contracted with the principal contractor, and they shall have a lien for the value thereof. Any of the persons mentioned in section 1, except a principal contractor, may at any time give to the owner or re- not invalidate lien. Contract price payable in money. Alteration shall not affect lien. Persons may give notice to owner or agent.

Contents of
notice.

Defect in form
not invalidate
proviso.

Shall withhold
sufficient
money.

Offset.

puted owner or to his Superintendent of Construction, Agent or Architect, a written notice that they have performed labor or furnished materials, or both, to or for a principal contractor, or any person acting by authority of the owner or reputed owner, or that they have agreed to and will do so, stating in general terms the kind of labor or materials and the name of the person to or for whom the same was or is to be done or performed, or both, and the estimated or agreed amount in value, as near as may be, of that already done or furnished or both, and also of the whole agreed to be done or furnished, or both. Such notice may be given by delivering the same to the owner or reputed owner personally, or by leaving it at his residence or place of business with some person in charge, or by delivering it either to his Superintendent of Construction, Agent or Architect, or by leaving it either at their residence or place of business, with some person in charge, no such notice shall be invalid or insufficient by reason of any defect of form, provided it is sufficient to inform the owner or reputed owner of the substantial matters herein provided for, or to put him upon inquiry as to such matters. Upon such notice being given, it shall be the duty of the person who contracted with the principal Contractor, to, and he shall, withhold from such principal Contractor, or from any other person acting under such owner or reputed owner, and to whom, by said notice, the said labor or materials, or both, have been furnished or agreed to be furnished, sufficient, money due or that may become due, to said principal contractor, or other persons, to satisfy such claim, and any lien that may be filed therefor for record under this chapter, including reasonable costs provided for in this act; and the payment of any such lien, which shall have been acknowledged by such principal contractor, or other person acting under such owner or reputed owner, in writing to be correct, or which shall have been established by Judicial determination, shall be taken and allowed as an off-set against any moneys which may be due from the owner,

or reputed owner to such principal contractor, or the person for whom such work and labor was performed.

Sec. 3. The liens granted by this act shall extend to and cover so much of the lands whereon such building, structure or improvement shall be made as may be necessary for the convenient use and occupation of such building, structure or improvement, and the same shall be subject to such liens; and in case any such building shall occupy two or more lots, or other subdivisions of land, such several lots or other subdivisions, shall be deemed one lot for the purposes of this act, and the same rule shall hold in cases of any other such improvements that shall be practically indivisible, and shall attach to all machinery and other fixtures used in connection with any such lands, buildings, mills, structures or improvements. When the lien is for work done or material furnished for any entire structure, erection or improvement, such lien shall attach to such building, erection or improvement for or upon which such work was done, or materials furnished, in preference to any prior lien or encumbrance, or mortgage upon the land upon which the same is erected, or put, and any person enforcing such lien may have such building, erection or improvement sold under execution and the purchaser at any such sale may remove the same within thirty days after such sale; and any lien provided for by this act shall extend to and embrace any additional or greater interest in any of such property acquired by such owner at any time subsequent to the making of the contract or the commencement of the work upon such structure and before the establishment of such lien by process of law; and shall extend to any assignable, transferable or conveyable interest of such owner or reputed owner in the land upon which such building, structure or other improvement shall be erected or placed. That whenever any person or persons shall hereafter furnish any materials or perform any labor, or both, for the erection, construction, addition to, alteration or repair of two or more buildings, structure or

Extent of lien
as to lands covered.

Lien for material and labor
shall attach.

Enforcement.

Purchaser may
remove.

Extent.

File apportioned statement of lien claim where labor is performed or material furnished for more than one structure.

Proviso.

Lien on mining property applicable.

other improvements, when they are built and constructed by the same person or persons, and under the same contract, it shall be lawful for the person or persons so furnishing such materials, or performing such labor, to divide and apportion the same among the said buildings, structures, or other improvements in proportion to the value of the materials furnished for, and the labor performed upon or for each of said buildings, structures or other improvements and to file with his, her or their lien claim therefor, a statement of the amount so apportioned to each building, structure or other improvement, which said lien claim when so filed may be enforced under the provisions of this Act in the same manner as if said materials had been furnished and labor performed for each of said buildings, structures or other improvements separately; but if the cost or value of such labor and materials, or either, cannot be readily and definitely divided and apportioned among the said several buildings, structures or other improvements, then one lien claim may be made, established and enforced against all such buildings, structures or other improvements, together with the ground upon which the same may be situated, and in such case, for the purposes of this Act, all such buildings, structures and improvements shall be deemed one building, structure or improvement, and the land on which the same are situated as one tract of land.

Sec. 4. The provisions of this Act shall apply to all persons who shall do work or shall furnish materials or mining, milling or other machinery or other fixtures, as provided in section I of this Act, for the working, preservation, prospecting or development of any mine, lode or mining claim or deposit yielding metals or minerals of any kind or for the working, preservation or development of any such mine, lode or deposit, in search of any such metals or minerals; and to all persons who shall do work upon or furnish materials, mining, milling or other machinery or other fixtures, as provided in section I of this Act, upon, in or for any shaft, tunnel,

mill or tunnel site, incline adit, drift or any draining or other improvement of or upon any such mine, lode, deposit or tunnel site; Provided, that when two or more Proviso. lodes, mines or deposits owned or claimed by the same person or persons shall be worked through a common shaft, tunnel, incline, adit, drift or other excavation, then all the mines, mining claims, lodes, deposits and tunnel and mill sites so owned and worked or developed shall, for the purpose of this Act, be deemed one mine; and Provided further, that this section shall not be deemed to apply to the owner, or owners of any mine, Shall not apply to owners leasing in small blocks. lode, deposit, shaft, tunnel, incline adit, drift or other excavation, who shall lease the same in small blocks of ground in areas, whether of surface or beneath the surface, not to exceed 150 feet in length by the width of the claim and for a depth of 150 feet or less to one or more sets of lessees.

Sec. 5. Any building, mill, manufactory, bridge, Property subject to lien, when. ditch, flume, aqueduct reservoir, tunnel, fence, railroad, wagon road, tramway and every structure or other improvement mentioned in the preceding sections of this Act, constructed, altered, added to, removed to or repaired, either in whole or in part, upon or in any land, with the knowledge of the owner or reputed owner of such land, or if any person having or claiming an interest therein, otherwise than under a bona fide prior, recorded mortgage, deed of trust or other incumbrance, or prior lienor, [lien], shall be held to have been erected, constructed, altered, removed, repaired, or done at the instance and request of such owner or person, but so far only as to subject his interest to a lien therefor as in this section provided; and such interest so owned or claimed shall be subject to any lien given by the provisions of this act, unless such owner or person, shall, Except. within five days after he shall have obtained notice of the erection, construction, alteration, removal, addition, repair or other improvement, aforesaid, give notice that his interests shall not be subject to any lien for the same, by serving a written or printed notice to that ef-

Owner give
notice within
five days.

Proviso.

fect, personally, upon all persons performing labor or furnishing skill, materials, machinery or other fixtures therefor, or shall, within five days after he shall have obtained the notice aforesaid, or notice of the intended erection, construction, alteration, removal, addition, repair or other improvement aforesaid, give such notice as aforesaid by posting and keeping posted a written or printed notice to the effect aforesaid, in some conspicuous place upon said land or upon the building or other improvement situate thereon. Provided, that this section shall not apply to co-owners of unincorporated canals, ditches, flumes, aqueducts, and reservoirs not to the enforcement of chapter 116 of the session laws of Colorado of 1893; and provided further, that the provisions of this section shall not be construed to apply to any owner or person claiming any interest in such property who shall have contracted for any erection, structure or improvement mentioned in this Act.

Lien relate
back to
commencement
of work.

Priority.

Not impair
encumbrance
made prior to
signing of
contract.

Attachments,
etc., not valid
as against lien.

Sec. 6. All liens, established by virtue of this act shall relate back to the time of the commencement of work under the contract between the owner and the first contractor, or, if said contract be not in writing, then such liens shall relate back to and take effect as of the time of the commencement of the work upon the structure or improvement, and shall have priority over any and every lien or encumbrance subsequently intervening, or which may have been created prior thereto, but which was not then recorded, and of which, the lienor, under this act, did not have actual notice. Nothing herein contained, however, shall be construed as impairing any valid encumbrance [encumbrance] upon any such land, duly made and recorded prior to the signing of such contract, or the commencement of work upon such improvement or structure. No attachment, garnishment or levy under an execution upon any money due or to become due to a contractor from the owner, or reputed owner, of any such property, subject to any such lien, shall be valid as against such lien of a sub-

contractor or material-men, and no such attachment, garnishment, or levy upon any money due to a sub-contractor or material-men of the second class, as herein provided, from the contractor shall be valid as against any lien of a laborer employed by the day or piece, who does not furnish any material as herein classified.

Sec. 7. Such liens shall likewise attach to rights of water and rights of way that may in any manner pertain to any kind of property hereinbefore specified and to which such liens attach. In case of corporations such liens shall attach to all the franchises and charter privileges that may in any manner pertain to said specified property. Liens also attach to.

Sec. 8. Every person given a lien by this act whose contract, either express or implied, is with the owner or reputed owner or his agent or other representative, shall be a principal contractor and all others sub-contractors; and in every case in which different liens are claimed against the same property the rank of each lien, or class of liens, as between the different lien claimants, shall be declared and ordered to be satisfied in the decree or judgment in the following order named: Principal contractors. Sub-contractors. Rank of liens.

First—The liens of all those who were laborers or mechanics working by the day or piece, but without furnishing material therefor, either as principal or sub-contractors;

Second—The liens of all other sub-contractors and of all material-men whose claims are either entirely or principally for materials, machinery or other fixtures, furnished either as principal or sub-contractors;

Third—The liens of all other principal contractors; and all funds realized in any and all actions for the satisfaction of liens against the same improvements or structures shall be paid out in the order above designated.

Sec. 9. Any person wishing to avail himself of the provisions of this act shall file for record, in the office of the county recorder of the county wherein the prop- File statement containing.

erty, or the principal part thereof, to be affected by the lien is situated, a statement containing:

First—The name or names of the owner or owners or reputed owner or owners of such property, or in case such name or names be not known to him, a statement to that effect.

Second—The name of the person claiming the lien, the name of the person who furnished the material or performed the labor for which the lien is claimed, and the name of the contractor when the lien is claimed by a sub-contractor or by the assignee of a sub-contractor, or, in case the name of such contractor is not known to the lien claimant, a statement to that effect.

Third—A description of the property to be charged with the lien, sufficient to identify the same; and

Fourth—A statement of the total amount of the indebtedness, the amount of the credits thereon, if any, and the balance or amount due or owing such claimant.

Statements
sworn to.

Serve notice on
owner or agent.

Proviso.

Such statement shall be signed and sworn to by the party, or by one of the parties, claiming such lien, or by some other person in his or their behalf, to the best knowledge, information and belief of the affiant; and the signature of any such affiant to any such verification shall be a sufficient signing of the statement. In order to preserve a lien for work performed or materials furnished by a sub-contractor there must be served upon the owner or reputed owner of the property or his agent at or before the time of filing with the county clerk and recorder the statement above provided for, a copy of such statement; but if neither the owner, or reputed owner, nor any agent of the owner or reputed owner can conveniently be found in the county where the property, or the principal part thereof, is situated, an affidavit to that effect shall be filed for record with the aforesaid statement and thereupon no such service shall be required, all such lien statements claimed for labor and work by the day or piece, but without furnishing material therefor, must be filed for record after the last

labor for which the lien claimed has been performed and at any time before the expiration of one month next after the completion of the building, structure or other improvement; all lien statements of all other sub-contractors and of all material-men whose claims are either entirely or principally for materials, machinery or other fixtures, must be filed for record after the last labor is performed or the last material furnished for which the lien is claimed and at any time before the expiration of two months next after the completion of such building, structure or other improvement, and the lien statements of all other principal contractors must be filed for record as aforesaid after the completion of their respective contracts and at any time within three months next after the completion of the building, structure or other improvement. New or amended statements may be filed within the periods above provided, for the purpose of curing any mistake, or for the purpose of more fully complying with the provisions of this act.

Must file lien within thirty days after services rendered.

Sub-contractor file within two months.

Principal contractors file within three months.

Any trivial imperfection in, or omission from the said work, or in the construction of any building, improvement or structure, or of the alteration, addition to or repair thereof, shall not be deemed such lack of completion as to prevent the filing of any lien; and in case of contractors, the occupation or use of the building, improvement or structure by the owner, or his representative, or any other person with the consent of the owner or his agent, or the acceptance by said owner or his agent of said building, improvement or structure, shall, for the purpose of this act, be deemed conclusive evidence of completion; and cessation from labor for thirty days upon any unfinished contract or upon any unfinished building, improvement or structure, or the alteration, addition to, or repair thereof, shall be deemed equivalent to a completion thereof, for all the purposes of this act.

Trivial omission not act as bar to lien.

Evidence of completion.

Sec. 10. No lien claimed by virtue of this act shall hold the property longer than six months after the completion of the building, structure or other improvement,

Action to enforce lien shall commence within six months.

Proviso.

Judge may consolidate actions.

Parties made plaintiff or defendant.

Lien claimant made party to action, how.

Defendant.

or the completion of the alteration, addition to, or repair thereof, as prescribed in section 9 of this act, unless an action be commenced within that time to enforce the same; Provided, that where two or more liens are claimed of record against the same premises or property, the commencement of any action within that time by any one or more of such lien claimants in which action or actions all the lien claimants, as appear by the records, are made parties, either plaintiff or defendant, shall be sufficient.

Sec. 11. Any number of persons claiming liens against the same property and not contesting the claims of each other, may join as plaintiffs in the same action; and, when separate actions are commenced, the court or the Judge thereof may consolidate them upon motion of any party or parties in interest, or upon its own motion.

Upon such procedure for consolidation, one case shall be selected with which the other cases shall be incorporated; and all the parties to such other cases shall be made parties plaintiff or defendant as the court or judge may designate in said case so selected. All persons having claims for liens, the statements of which shall have been filed as aforesaid, shall be made parties to the action.

Those claiming liens who fail or refuse to become parties plaintiff, or for any reason shall not have been made such parties, shall be made parties defendant. Any party claiming a lien, not made a party to such action, may, at any time within the period provided in section 9 of this act, be allowed to intervene by motion, upon cause shown, and may be made a party defendant on the order of the court or the judge thereof, and shall fix, by such order, the time for such intervenor to plead or otherwise proceed. The pleadings and other proceedings of such intervenor thus made a party shall be the same as though he had been an original party. Any defendant who claims a lien shall, in answering, set forth by cross complaint his claim and lien. Likewise such defendant [defendant] may set forth in said answer defensive matter to any claim or lien of any plaintiff or co-defendant, or otherwise deny such claim or lien. The owner or owners of

the property to which such lien shall have attached, and all other parties claiming of record any right, title, interest or equity therein, whose title or interests are to be charged with or affected by such lien, shall be made parties to the action.

Owners made parties to action.

Sec. 12. It shall be sufficient to allege in the complaint, in relation to any party claiming a lien, when it is desired to make a defendant, that such party claims a lien under this act upon the property described; and in case of the intervention of parties, or of the making of new parties, or of the consolidation of actions, so that the issues are in any manner changed or increased, any party to the action shall be allowed to amend his pleadings, or file new pleadings, as the nature of the case may require.

Parties to action may amend pleading when.

Sec. 13. The court, whenever the issues in such case are made up, shall advance such cause to the head of the docket for trial and may proceed to hear and determine said liens and claims, or may refer the same to a referee to ascertain and report upon said liens and claims and the amount justly due thereon.

Court shall advance to head of docket.

May refer to referee.

Judgments shall be rendered according to the rights of the parties. The various rights of all the lien claimants and other parties to any such action, shall be determined and incorporated in one judgment or decree. Each party who shall establish, his claim under this act shall have judgment against the party personally liable to him for the full amount of his claim so established, and shall have a lien established and determined in said decree upon the property to which his lien shall have attached to the extent hereinbefore stated;

Judgments pro rated.

Court make decree.

Provided, always, that proceedings to foreclose and enforce mechanics liens under this act shall be deemed actions in rem, and that service by publication may be obtained against any defendant therein in manner as by law provided, and that personal judgment against the principal contractor or other person personally liable for the debt for which the lien is claimed shall not be requisite to a decree of foreclosure in favor of a sub-contractor or material-man.

Proviso.

Court cause
property to be
sold in satisfac-
tion of lien.

Proceeds appor-
tioned, how.

Remainder paid
to owner.

Issue execution.

File transcript
with county
clerk.

Parties to
action, who.

Sec. 14. The court shall cause said property to be sold in satisfaction of said liens and costs of suit, as in the case of foreclosure of mortgages; and any party in whose favor a judgment for a lien may have been rendered, may cause the property to be sold within the time and in the manner provided for sales of real estate on exceptions issued out of any court of record, and there shall be the same rights of redemption as are provided for in the case of sales of real estate on executions. And if the proceeds of such sale after the payment of costs, shall not be sufficient to satisfy the whole amount of such liens included in the decree of sale, then such proceeds shall be apportioned according to the rights of the several parties. In case the proceeds of sale amount to more than the sum of said liens and all costs, then the remainder shall be paid over to the owner of said property; and each party whose claim is not fully satisfied in the manner hereinbefore provided, shall have execution for the balance unsatisfied against the party personally liable, as in other cases. In the first instance without a previous sale of said property to which such liens shall have attached, an execution may issue in behalf of any such lien claimant for the full amount of his claim against the party personally liable, and he may thereafter enforce such lien for any balance of such judgment remaining unsatisfied. A transcript of the docket of said judgment and decree may be filed with the recorder of the county where such property is situated, or in any other county, and thereupon said judgment and decree shall become a lien upon the real property in such county of each party so personally liable in favor of any such lien claimant holding any such judgment against any such party so personally liable, as in other cases of recording transcripts of judgment.

Sec. 15. Principal contractors and all other persons personally liable for the debt for which the lien is claimed shall be made parties to actions to enforce liens under this act, and service of summons shall be made either personally or by publication in the same manner and with like effect as is now provided by law in cases of attachment and other proceedings in rem.

Sec. 16. The court shall divide the costs between the parties liable therefor, according to the justice of the case; and, in all suits for the foreclosure of liens provided for in this act in which a lien claimant shall obtain a judgment and decree of foreclosure against the property described in his lien there shall be taxed as costs in addition to the costs already provided for in such cases a reasonable sum as an attorney fee to be fixed and apportioned by the court at the time of rendering such judgment and decree.

Court shall pro rate costs.

Attorneys' fees.

Sec. 17. Any party claiming a lien, may assign, in writing, his claim and lien to any other claimant or other person who shall thereupon have all the rights and remedies of the assignor, for the purpose of filing and for the enforcement of any such lien by action under this act, and the assignment shall be a sufficient consideration as to all other parties for the purpose of such action. Such assignment may be made before or after the filing of the statement of lien. Any such claimant, whether as assignee or otherwise, may include all the liens he may possess against the same property in any such statement, and when more than one such claim shall be included in one such statement, one verification thereto shall be sufficient. Any person may file separate statements of two or more claims. If, on the trial of a cause under the provisions of this act, the proceedings will not support a lien, the plaintiff or plaintiffs and all lien claimants entitled thereto may proceed to judgment as in an action on contract, and executions may issue as in such cases provided, and said judgment or judgments shall have all the rights of a judgment in a personal action.

Lien claimant may assign.

Force of.

Substance of statement.

Action where evidence does not support lien.

Sec. 18. The claimant of any such lien or liens the statement or statements of which have been filed as aforesaid, on the payment of the amount thereof, together with the costs of filing and recording such lien or liens, and the acknowledgment of satisfaction (and accrued costs of suit in case suit has been brought thereon) shall, at the request of any person interested in the property charged therewith, enter or cause to be entered an

Release of lien on liquidation of obligation.

acknowledgment of satisfaction of the same of record, and if he shall neglect or refuse to do so within ten days after the written request of any person so interested, he shall forfeit and pay to such person the sum of ten dollars per day for every day of such neglect or refusal, to be recovered in the same manner as other debts. A valid tender of payment, refused by any such claimant, shall be equivalent to a payment for the purpose of this section. Any such statement may be satisfied of record in the same manner as mortgages.

Tender of payment, force of.

Agreement to waive, effect of.

Construction.

Code of procedure.

Repeal.

Sec. 19. No agreement to waive, abandon or refrain from enforcing any lien provided for by this act shall be binding except as between the parties to such contract; and the provisions of this act shall receive a liberal construction in all cases.

Sec. 20. The provisions of the code of civil procedure of the state of Colorado, in so far as the same are applicable and not in conflict with the provisions of this act, shall be observed in proceedings to establish and enforce mechanic's liens.

Sec. 21. An Act entitled "An Act to secure liens to mechanics and others, and to repeal all laws in conflict therewith," approved April 3, 1893, and all other acts and parts of acts in conflict with this act are hereby repealed; provided, that the repeal of said acts and parts of acts, or any of them, shall not be construed to affect any existing right either, as to remedy or otherwise, nor to abate any suit, or action, or proceeding instituted, or pending, under the laws hereby repealed.

Approved April 12, 1899.

CHAPTER 119.

MINES.

(H. B. No. 212, by Mr. Ryan.)

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO CREATE A BUREAU OF MINES, TO DEFINE THE DUTIES OF THE COMMISSIONER OF MINES AND PROVIDE FOR THE GOVERNMENT THEREOF, AND MAKING AN APPROPRIATION THEREFOR; AND TO REPEAL AN ACT ENTITLED 'AN ACT DIVIDING THE STATE OF COLORADO INTO METALLIFEROUS MINING DISTRICTS, AND APPOINTING AN INSPECTOR OF METALLIFEROUS MINES,' APPROVED APRIL 1, 1889, AND PORTIONS OF OTHER ACTS IN CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That section 1 of an act entitled "an act to create a Bureau of Mines, etc., Approved March 30, 1895, be and the same is hereby amended to read as follows:

Section 1. There shall be and is hereby established ^{Bureau of} in this State a department to be known as "The Bureau of ^{mines.} Mines of the State of Colorado," the principal office of which shall be maintained at the State Capitol, in the City of Denver.

Sec. 2. That section 2 of said act be and the same is hereby amended to read as follows;

Sec. 2. It shall be the duty of the Governor to ^{Governor} appoint a citizen of this state, having had not less than ^{appoint} seven (7) years practical experience in mining in the ^{commissioner.} State of Colorado, together with a practical and scientific knowledge of Mining, Metallurgy, Mineralogy and Geology, to the office of Commissioner of Mines, to hold the

Term of office. said office for the term of four (4) years, or until the appointment and qualification of his successor, as provided in section 1 of Article XVI. of the Constitution of the State of Colorado, who shall take and subscribe the oath of office prescribed by the Constitution; and he shall

Give bond. give bond to the State in the sum of \$20,000. to be approved by the Governor of the State, conditioned upon the faithful discharge of his duties.

Governor may remove commissioner.

The Governor shall have power at any time to remove from office the Commissioner of Mines, for incompetency, neglect of duty or abuse of the privileges of his office.

Sec. 3. That section 6 of said act be and the same is hereby made section 3 of this act and amended to read as follows:

Commissioner appoint inspectors, who shall give bond.

Sec. 3. The Commissioner of Mines shall, with the consent of the Governor, appoint two inspectors of practical experience in mining, citizens of the United States and legal voters of the State of Colorado, and having had not less than seven (7) years practical experience in mining in the State of Colorado, who shall hold their office for the term of two years, and whose duties shall be as hereinafter specified and he shall appoint a clerk who must have a general knowledge of Mineralogy and shall act as assistant curator for the state mineral collection; and before entering upon the discharge of their duties they shall subscribe to the oath required by the constitution, and each give bond to the state in the sum of \$5,000. to be approved by the Governor, conditioned upon the faithful performance of their duties, respectively; said bonds shall together with the Commissioner's bond, be deposited with the Secretary of State. The Commissioner of Mines may appoint a stenographer, who shall act as assistant clerk, and such other competent assistants as he may deem necessary for the carrying out of the object of this act; provided, appropriation be made therefor, and shall have the power, with the consent of the Governor, at any time, to remove the

Appoint necessary assistants.

inspectors, clerks or other assistants for incompetency, neglect of duty or abuse of the privileges of his office.

Sec. 4. It shall be the duty of the inspectors to examine and report to the Commissioner the condition of the hoisting machinery, engines, boilers, whims, cages, cars, buckets ropes and cables in use in all the metaliferous mines in operation in the state, the appliances used for the extinguishment of fires, the manner and methods of working and timbering the shafts drifts inclines stopes, winzes, tunnels and upraises through which persons pass while engaged in their daily labors, all exits from the mine and how the mine is ventilated, together with the sanitary condition of the same, and also how and where all explosives and inflammable oils and supplies are stored, also the system of signals used in the mine. He shall not give notice to any owner, agent, manager or lessee of the time when such inspection shall be made.

Inspectors,
duties of.

Sec. 5. That section 5 of said act be hereby made section 5 of this act and amended to read as follows:

Sec. 5. The Commissioner of Mines may as appropriations may be made therefor, from time to time, appoint deputy inspectors in the various mining camps or districts to investigate or report on accidents, or appoint such other competent assistants as he may deem necessary and proper for the carrying out of the object of this act; for the purpose of making more extended geological researches and surveys concerning the mineral districts of the State; the appointments of said deputy inspectors or assistants to become void upon the performance of the specific things or acts designated by the commissioner in their said appointment; but the entire expenses of the bureau must not in any one year be greater than can be paid out of the fund or appropriation provided therefor.

Deputy inspectors,
duties of.

Appointments
become void.

Sec. 6. That section 4 of said act be hereby made section 6 of this act and be amended to read as follows:

Sec. 6. The Secretary of the State board of capitol managers shall provide suitable and ample rooms in the state capitol building for the use of said bureau and

Board capitol
managers provide
office and
equipments.

Office and records public.

shall provide the necessary fuel, lights and appurtenances to the proper and creditable management of said office; said office shall be deemed a public office, and the records books and papers thereof or on file therein, shall be deemed public records of the state; all books and documents and all other articles whatever in the office of the commissioner of mines, shall be transferred by him to his successor in office, who shall give him a receipt for the same. The Commissioner shall keep and maintain a complete list and record of all articles, papers, and documents received by him and belonging to the said office.

Sec. 7. That section three of said act be hereby made section 7 of this act and amended to read as follows:

Duty of commissioner to collect stated.

Sec. 7. That it shall be the duty of the Commissioner of Mines, as he has opportunity and means, aided by the other officers, except the inspectors, of the bureau, working under his instructions, to collect and preserve for study and reference, specimens of all the geological and mineralogical substances including mineral waters found in the state, especially those possessing economic or commercial value, which specimens shall be marked, arranged, classified and described, and a record thereof preserved, showing the character thereof and the place from whence obtained; to collect and in like manner preserve in his office minerals, rocks and fossils of other states, territories and countries; to collect and make a part of the records of his office the geological surveys and reports bearing upon the mining industry heretofore made by other officers of the state or by the United States Government; to collect and record all data and records giving the history and showing the progress of the mining industry of the state from the earliest date up to the present time; to examine, report and record the geological formation of each important mining district and each important mine, giving the name of the mine, altitude, location, name of owners, character of vein development, character of walls or enclosing rocks, character and extent of ore veins or de-

Concerning extraction of ore and operation of mines.

posits, methods of ore extraction, powder [power] used, fuel used, water used in boilers, pressure carried, cost of fuel, cost of timbers, cost of transporting supplies to mine, cost per ton for transporting ore to market, method of treatment, cost of treatment per ton, average cost of sinking per foot, average cost of drifting per foot, average number of men employed, wages paid and hours worked, and all other information that will tend to give a correct idea of the expense and serve as a guide to profitable mining and milling of ore; to investigate and report and record the successfully used methods for the recovery of the precious metals, describing in detail mechanical operations of all important milling and reduction plants and results obtained; to investigate, report and record the advancement made in the application of electricity, compressed [compressed] air, water power and steam as labor [labor] saving devices to all branches of mining operations; to collect statistics upon smelting, concentrating, milling and dressing of metalliferous ores, and upon all the mineral products of the state for reference and study; to distribute reliable information regarding the product, available supply, location, character and adaptability for economic purposes of the resources of Colorado in coal, coal oil, asphalt, iron, building stone, slates, marble, fire clays, cements, pottery and porcelain [porcelain] clays, asbestos, mica and the various mineral waters, and such other items within the province [province] of this bureau as in the judgment of the commissioner of mines may be advisable to procure standard works on the mining industry, smelting, concentrating, milling and dressing of metalliferous ores, mining engineering, geology, mineralogy and other subjects which can aid in the study and promote knowledge of all who are interested in mining or manufacturing of any of the mineral products of this state; and the commissioner of mines shall give receipt, when demanded, for all enumerated herein to the person from whom he receives them; to make or cause to be made, with the approval of the Governor and under the direction of some office of the bureau, exhibits of the

Operation of
milling and re-
duction works.

Smelting plants.

Shall give
receipt for.

mineral resources and products of the state, at such industrial exhibitions held in this or other states or countries, as may be deemed advisable or desirable, and for which due appropriations shall have been or may be provided.

Sec. 8. Section 7 of said act be and the same is hereby made section 8 of this act, and amended to read as follows:

Shall not act as manager, etc.

Sec. 8. The Commissioner of Mines, inspectors, or either of them, shall not act as manager, or agent or lessee, for any mining or other corporation during the term of his office, but shall give his whole time and attention to the duties of the office to which he has been appointed. No officer of this bureau nor any agent or person in any way connected therewith, shall make a report of any mine or mining property with the intent to promote or aid in the sale or other conveyance thereof, and any such officer, agent, or person violating this provision shall, upon conviction thereof, pay a fine of not less than five hundred (\$500.00) dollars, nor more than five thousand dollars (\$5,000.00) or be imprisoned in the state penitentiary not less than one (1) nor more than three (3) years or both in the discretion of the court. The Commissioner shall, on receipt of reliable information relating to the health and safety of the workmen employed in any metalliferous mine, mill or reduction plant in the state, or whenever he deems such inspection necessary, examine or instruct one of the inspectors to examine and report to him the condition of the same. The owner, agent, manager or lessee shall have the right to appeal to the commissioner on any difference that may arise between such parties and the inspector. On receipt of notice of any accident in a mine, mill or reduction plant, whether fatal or not, the commissioner shall inquire into the cause of such accident.

Penalty for violation.

Shall inspect mines.

Inquire into cause of accident.

Commissioner make biennial report.

Sec. 9. It shall be the duty of the commissioner of mines to biennially make report to the Governor, showing the amount of disbursements of the bureau under his charge, the progress made and such statistical informa-

tion in reference to mines, mining, milling and smelting as shall be deemed important, and shall transmit copies of said report to the general assembly at the biennial session. There shall be printed at least one thousand (1,000) copies of said report for distribution and said reports shall contain a review of the work of the bureau.

The commissioner may, from time to time, with the consent of the Governor, as appropriations [appropriations] may be made therefor, compile, publish and distribute bulletins upon subjects, districts and counties; such bulletins, when treating of a district or county, shall give in detail the history, geology, mines, mills, process of treatment and results, together with a classification and location of mines and prospects together [together] with maps of the same; one thousand (1,000,) copies shall be distributed free to state and county officers, public libraries, newspapers, magazines and exchanges of the bureau, and the remainder sold at cost of printing.

Compile and distribute bulletins.

Bulletins shall contain.

Sec. 10. That section 9 of said act is hereby made section 10 of this act and amended to read as follows;

Sec. 10. Every owner, agent, manager or lessee of any metalliferous mine or metallurgical plant in this state shall admit the commissioner or inspector on the exhibition of his certificate of appointment, for the purpose of making examination and inspection provided for in this act, whenever the mine is in active operation and render any necessary assistance for such inspection. But said commissioner or inspector shall not unnecessarily obstruct the working of said mine or plant. The refusal of the owner, agent, manager or lessee to admit the commissioner or inspector to such mine or plant to lawfully inspect the same, shall upon conviction, be deemed a misdemeanor, and shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) or be imprisoned not less than one (1) nor more than three (3) months or both such fine and imprisonment.

Officers admitted, who by.

Shall not obstruct working.

Penalty for violation.

Sec. 11. That section 11 of said act be and the same is hereby made section 11 of this act and amended to read as follows:

Commissioner
give notice of
defects.

Sec. 11. The commissioner and inspectors shall exercise a sound discretion in the enforcement of this act and if they shall find any matter, thing, or practice in or connected with any metalliferous mine or metallurgical plant to be dangerous or defective, so as to, in their opinion, threaten or tend to the bodily injury of any person, the commissioner or inspector shall give notice in writing thereof to the owner, agent, manager or lessee of such mine or plant, stating in such notice the particulars in which he considers such mine, or plant, part thereof or practice to be dangerous or defective; and he shall order the same to be remedied; a copy of said order shall be filed and become a part of the records of the bureau of mines, and said owner, agent, manager or lessee shall, upon compliance of said order immediately notify the commissioner of mines in writing. Upon the refusal or failure of said owner, agent, manager or lessee to report within reasonable length of time, said owner, agent, manager or lessee shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred (\$300.00) dollars for each and every such refusal or failure.

Penalty for vio-
lation by own-
ers, etc.

Sec. 12. That section 10 of said act be and the same is hereby made section 12 of this act and amended to read as follows:

Officers shall
not reveal
information.

Sec. 12. If the commissioner, inspectors or either of them, shall reveal any information in regard to metallurgical processes, ore bodies, shoots [chutes] or deposits of ore or location, course or character of underground workings or give any information or opinion respecting any mine or metallurgical process, obtained by them in making such inspection, except in the way of official reports filed for record, as hereinbefore provided, on conviction thereof he or they shall be removed from the office and fined in a sum not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00).

Penalty.

Sec. 13. That section 12 of said act be and the same is hereby made section 13 of this act and amended to read as follows:

Sec. 13. In case the owner, agent, manager or lessee, after written notice being duly given, does not conform to the provisions of this act, or disregards the requirements of this act, or any of its provisions, or lawful order of the commissioner or inspector made hereunder, any court of competent jurisdiction, may, on application or information of the commissioner of mines, by civil action in the name of the people of the state of Colorado, enjoin or restrain the owner, agent, manager or lessee from working the same until it is made to conform to the provisions of this act; and the costs of action paid by defendant, and such remedy shall be cumulative, and shall not effect [affect] any other proceedings against such owner, agent, manager or lessee, authorized by law for the matters complained of in such action.

Operators' failure to conform.

Officers may enjoin.

Sec. 14. That section 13 of said act be and the same is hereby made section 14 of this act and amended to read as follows:

Sec. 14. Any owner, agent, manager or lessee having charge or operating any metalliferous mine or metallurgical plant, whenever loss of life or accident serious enough in character to cause the injured party to stop work for two consecutive days and connected with the workings of such mine or metallurgical plant, shall occur, shall give notice immediately and report all the facts thereof to the commissioner of mines. The refusal or failure of the said owner, agent, manager or lessee to so report within reasonable length of time shall be deemed a misdemeanor and shall upon conviction be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) or be imprisoned not less than one or more than three months, or by both such fine and imprisonment. The commissioner of mines upon receipt of notice of accident shall investigate and ascertain the causes and make or cause to be made a report, which report shall be filed in his office for future reference.

Operators shall report accidents.

Penalty for failure.

Commissioner shall investigate.

Sec. 15. The commissioner of mines shall receive for his services a salary of twenty-five hundred dollars

Salaries of officers, and traveling expenses.

(\$2,500.00) per annum to be paid as other officers of the state are paid and shall also receive his necessary traveling expenses when traveling on the business of his office, not to exceed the sum of one thousand dollars (\$1,000.00) per annum. The inspectors shall each receive the sum of fifteen hundred dollars (\$1,500.00) per annum and actual traveling expenses, not to exceed the sum of one thousand dollars (\$1,000.00) per annum. The clerk or assistant curator shall receive the sum of fifteen hundred dollars (\$1,500.00) per annum; the stenographer or assistant clerk shall receive one thousand dollars (\$1,000.00) per annum. The whole of said salary and expenses to be paid out of the bureau of mines fund hereinafter provided for and not otherwise.

Fund at
disposal.

The commissioner of mines shall have at his disposal the sum of two thousand dollars (\$2,000) for the fiscal years of 1899 and 1900, and shall, in his annual report, itemize the expenditures made from this fund.

Sec. 16. That section 14 of said act be and the same is hereby made section 16 of this act and amended to read as follows:

Commissioner
issue voucher.

Sec. 16. The Commissioner of Mines is hereby authorized, with the approval of the Governor, to draw upon the funds appropriated by this act, from time to time, to pay the salaries and traveling expenses of himself and inspectors and the salary of the clerk and other assistants, and printing of bulletins hereinbefore provided, and to defray the necessary expenses of his office; and the State Auditor is hereby required to issue his warrant on the State Treasurer for such payments or expenses as they may accrue, and in all accounts rendered or presented for payment, on account of the bureau of mines, the commissioner shall be required to make vouchers in duplicate, one of which shall be filed in his office. He is hereby authorized to procure such instruments and apparatus from time to time as may be necessary to the proper discharge of the duties under this act, not to exceed the amount appropriated for incidental and operating expenses.

Auditor draw
warrants.

Sec. 17. That section 15 of said act be and the same is hereby made section 17 of this act and amended to read as follows:

Sec. 17. For the purpose of carrying out the pro- Appropriation. visions of this act, there is hereby appropriated out of the funds in the State Treasury not otherwise appropriated, the sum of twenty-four thousand dollars (\$24,000.00) for the fiscal years 1899 and 1900, said amounts, including the sum of two thousand dollars (\$2,000) for printing, incidental and operating expenses, to be at the disposal of the Commissioner of Mines, as otherwise provided for.

Sec. 18. That section 18 of said act be and the same is hereby made section 18 of this act.

Sec. 18. It shall be the duty of the Commissioner of Mines to furnish as far as practicable, to the proper officials of the State School of Mines, such information, plats, surveys, etc, resulting from the researches of his department, from time to time, as said officials may ask or deem advantageous to the advancement of the interest of the State School of Mines. Commissioner furnish data to School of Mines.

Sec. 19. That section 19 of said act be, and the same is hereby made section 19 of this act and amended to read as follows:

Sec. 19. The mineral specimens heretofore collected by the bureau of immigration and the Worlds fair Specimens, disposition of. Commissioners are hereby transferred to the custody of the bureau of Mines, and if found necessary, the Attorney General shall bring suit to recover the same.

For the purpose of providing the necessary rules and Regulations. regulations for the government of metalliferous mining in this State, the following section, to be known as section 20, is hereby enacted and made a part of this act:

Sec. 20. First—That explosives must be stored Concerning explosives. in a magazine provided for that purpose alone; said magazine to be placed far enough from the working shaft, tunnel or incline to insure the same remaining intact in the event the entire stock of explosives in said magazine be exploded; that all explosives in excess of the amount

required for a shift's work must be kept in said magazine; that no powder or other explosive be stored in underground workings where men are employed; that each mine shall provide and employ a suitable device for thawing or warming powder and keep the same in condition for use; that oils or other combustible (combustible) substances shall not be kept or stored in the same magazine with explosives.

Second—That the Commissioner of Mines shall have authority to regulate and limit the amount of nitro powder stored or kept in general supply stores in mining camps or mining towns where there is no municipal law governing the storage of same.

Third—That oils and other inflammable [inflammable] materials shall be stored or kept in a building erected for that purpose, and at a safe distance from the main buildings, and at a safe distance from the powder magazine, and their removal from said building for use shall be in such quantities as are necessary to meet the requirements of a day only.

Tamping bar.

Fourth—That no person shall, whether working for himself, or in the employ of any person, company or corporation, while loading or charging a hole with nitro-glycerine powder or other explosives, use or employ [employ] any steel or iron tamping bar; nor shall any mine manager, superintendent, foreman or shift boss, or other person having the management or direction of mine labor, allow or permit the use of such steel, iron or other metal tamping bar by employes under his management or direction.

Remove old timber.

Fifth—That all old timber removed shall as soon as practicable be taken from the mine and shall not be piled up and permitted to decay underground.

Sixth—That no person addicted to the use of intoxicating liquors or under eighteen years of age shall be employed as hoisting engineer.

Mechanical equipment.

Seventh—That all hoisting machinery, using steam, electricity, air or hydraulic motive power, for the purpose of hoisting from or lowering into metalliferous mines

employees and material, shall be equipped [equipped] with an indicator geared positively to the drum shaft, and so adjusted with dial or slide as to move a target or indicator and thereby at all times show the exact location of the cage, bucket or skip, said indicator to be so placed near to and in clear view of the engineer and to be free of gong, bells or other automatic attachments.

Eighth—That all mines employing steam and other hoisting power, and equipped with cage or skip, shall, when hoisting material from two or more levels, employ a man to be known as a “cager” whose duties shall be to load and unload said cage or skip at said levels and to give all signals to the engineer. Employ “cager.”

Ninth—That there shall be established by the Commissioner of Mines a uniform code of signals, embracing that most generally in use in metalliferous mines, and the commissioner shall have the power to enforce the adoption of such code of signals in all mines using hoisting machinery. The code of signals shall be securely posted, in clear and legible form, in the engine room, at the collar of the shaft and at each level or station. Establish code of signals.

Tenth—That all mines having but one exit, and the same covered with a building containing the mechanical plant, furnace room, and blacksmith shop, shall have fire protection. Where steam is used, hose of sufficient length to reach the farthest point of the plant shall be attached to feed pump or injector, and the same kept ready for immediate use. In mines where water is not available, chemical fire extinguishers or hand grenades shall be kept in convenient places for immediate use. Fire protection. Keep fire extinguishers.

Eleventh—That all persons shall be prohibited from riding upon any cage, skip or bucket loaded with tools, timber, powder or other material, except for the purpose of assisting in passing same through shaft or incline, and then only upon special signal. May ride on cage, when.

Twelfth—All persons giving or causing to be given false signals, or riding upon any cage, skip or bucket upon signals that designate to the engineer that no em- Misdemeanor.

ployes are aboard, shall be deemed guilty of a misdemeanor under this act.

Landings and
ladders
furnished.

Thirteenth—That all shafts more than fifty (50) feet in depth equipped with hoisting machinery shall be divided into at least two (2) compartments, and one compartment to be partitioned off and set aside for a ladderway. The ladders shall be made sufficiently strong for the purpose demanded, and in verticle [vertical] shafts, landings shall be constructed not more than twenty (20) feet apart, said landings to be closely covered, except an opening large enough to permit the passage of a man; said ladders shall be inclined at the most convenient angle which the space allows, and shall be firmly fastened, and kept in good repair. In all incline shafts the landings shall be put in as above described, but a straight ladder on the incline of the shaft. Ladders in upraises and winzes shall be likewise provided and kept in repair, but where winzes connecting levels are used only for ventilation and exit, only one such winze on each level need be equipped.

Compartments.

Fourteenth—That hereafter shafts equipped with buildings and machinery, with only the working shaft for exit, shall be divided into at least two (2) compartments, one of which shall be tightly partitioned off and used for a ladderway as hereinbefore provided for, said ladderway shall be securely bulkheaded at a point at least twenty five feet below the collar of the shaft, and below this bulkhead, a drift shall be run to the surface, if location of drift is upon side hill, or wall without the building and upraised to the surface, if upon a level. Said ladderway and landings shall be kept at all times in good repair and afford easy mode of escape in event of fire.

Run drift.

Connect with
surface.

Fifteenth—That hereafter all tunnels or adit levels at safe distance from mouth of same shall connect with the surface, and be provided with safe and suitable ladders, and thus afford a means of exit in case of fire destroying buildings over the mouth of tunnel or adit level.

Means of exit
furnished.

Sixteenth—That employes engaged in sinking shaft to [or] incline, shall at all times be provided with chain

or other kind of ladder so arranged as to insure safe means of exit.

Seventeenth—That all shaft collars hereafter constructed, shall be covered and so arranged that persons or foreign objects cannot fall into the shaft. Where a mining cage is used a bonnet which raises with the cage and falls back into place when the cage descends [descends] shall be used. This bonnet or shaft cover need not be tight beyond what would exclude anything from falling into the shaft that would endanger life, and the cage shall also be equipped with safety clutches and a steel hood, or bonnet, oval in shape, if solid, and if divided in the middle and hinged at the sides, the angles of the sides when closed shall not be less than forty-five degrees, nor the steel less than three-sixteenths [3-16] of an inch thick. Shaft collars covered.
Safety clutches, construction of.

When wooden doors are used, the shaft must be housed in and covered and said doors so constructed as to stand at an angle of not less than forty-five degrees pitch, when closed, hinged at the lower sides, and opening upward, or outward, and said doors shall not be less than four inches in thickness. Wooden doors.

Eighteenth—That all stations or levels shall, when practicable, have a passage-way around the working shaft, so that crossing over the working compartment can be avoided. At all shaft stations a guard rail or rails shall be provided and kept in place across the shaft, in front of the level, so arranged that it will prevent persons from walking, falling or pushing a truck, car or other conveyance into the shaft. All winzes and mill holes extending from one level to another shall be covered or surrounded with guard-rails, to prevent persons from stepping or falling into the same. Provide passage-way.

Nineteenth—That where any shaft is sunk on a vein, ore shoot or body, a pillar of ground shall be left standing on each side of the shaft of sufficient dimensions to protect and secure the same, and in no case shall stoping be permitted up to or within such close proximity to the shaft as to render the same insecure, until such time as the mine is to be abandoned and said pillar withdrawn. Stoping prohibited, where.

Abandoned
mines.

Twentieth—That all abandoned mine shafts, pits or other excavations endangering the life of man or beast shall be securely covered or fenced.

Misdemeanor.

Penalty.

Twenty-first—That any person or persons removing or destroying any covering or fencing placed around or over any shaft, pit or other excavation, as hereinbefore provided, shall be deemed guilty of a misdemeanor under this act, and upon conviction thereof in any court of competent jurisdiction shall be fined in a sum of not less than fifty dollars \$(50.00) or more than three hundred dollars \$(300) or imprisonment in the county jail for six (6) months, or by both fine and imprisonment.

Report of mine
operators shall
contain.

Twenty-second—That any person or persons operating any metalliferous mine or mill and employing five or more men, shall report the same to the bureau of mines and state when work is commenced and when stopped, and mines working continuously shall report on or before December 1, of each year, together with the names of the owners and managers or lessee in charge of said work, together with the post office address, the name of the claim or claims to be operated, the name of the county and mining district, together with the number of men employed, directly or indirectly, the same being classified into miners, trammers, timbermen ore assorters, mill men, teamsters, etc. The necessary blanks to carry out the provisions of this section shall be furnished upon application by the commissioner of mines.

Misrepresenta-
tions.

Penalty.

Twenty-third—That any owner, lessee, manager, superintendent or foreman in charge of any mettalliferous [metalliferous] mine who shall wilfully misrepresent or withhold facts or information from any inspector or other officer of this bureau regarding the mine, such as length of time timbers have been in place, or making any misrepresentation tending to show safety when the reverse is true, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not less than one hundred dollars, nor more than three hundred dollars.

Twenty-fourth—That strangers or visitors shall not be allowed underground in any mine, unless accompanied by some owner, official or employe deputized to accompany same.

Strangers and visitors not allowed.

Twenty-fifth—Notice of the maximum number of men permitted to ride upon or in the cage, skip or bucket, at one time, shall be posted at the collar of the shaft and at each level. All men or employes riding upon or in an overloaded cage, skip or bucket, as provided in notice so posted, shall be guilty of a misdemeanor, and upon conviction in a competent court, shall be fined not less than five dollars, nor more than fifty dollars for each and every offense.

Post notice maximum number of persons permitted in cage.

Penalty.

Twenty-sixth—The commissioner of mines or inspectors under this act shall have power to make such examination and inquiry as is deemed necessary to ascertain whether the provisions of this act are complied with; to examine into and make inquiry respecting the condition of any mine, mill or part thereof, and all matters or things connected with or relating to the safety of the persons employed in or about the same; to examine into and make inquiry respecting the condition of the machinery or mechanical device, and if deemed necessary, have same tested; to appear at all coroner's inquests held, respecting accidents, and if deemed necessary, call, examine and cross-examine witnesses; to exercise such other powers as are necessary for carrying this act into effect.

Officers may ascertain.

Appear at inquests and examine witnesses.

Twenty-seventh—Any person, owner, agent, manager or lessee operating a metalliferous mine or mill in this state, who fails to comply with the provisions herein set forth, shall be deemed guilty of a misdemeanor against this act, and, when not otherwise provided, shall be liable to the penalty prescribed in section 13 of this act, or to a fine of not less than twenty-five dollars (\$25.00), nor more than three hundred dollars (\$300.00), for each and every provision not complied with, or both, at the discretion of the court.

Penalty for failure to comply.

Sec. 21. The secretary of state shall provide the bureau of mines with a seal, the same to be marked "The Bureau of Mines of the State of Colorado," and bear the

Secretary of state furnish seal.

Certified copies. coat of arms of the state. The commissioner of mines is hereby empowered to affix seal to all certified copies of sections of record and shall charge the legal rate allowed for such service. Any and all moneys thus collected shall be transferred to the proper officer and by him credited to the bureau of mines fund.

Original jurisdiction, where.

Sec. 22. All justices of the peace and county courts in their respective counties, shall have original jurisdiction in prosecution for the violation of sections nine (9), ten (10), thirteen (13), nineteen (19) and twenty (20), of this act, with the right to appeal from judgment of justices of the peace to county courts in their respective counties, under the same conditions as in civil cases; and in all trials before justices of the peace and in county courts the defendant shall be entitled to a trial by jury as in other misdemeanor cases. District courts in their respective districts shall have original jurisdiction upon information or indictment in all prosecutions for violations of this act.

Jurisdiction district court.

Repeal.

Sec. 23. That sections eight (8), sixteen (16) and seventeen (17) of said act be and the same hereby repealed.

Sec. 24. That section 20 of said act be and the same is hereby made section 24 of this act.

Repeal.

Sec. 25. An act dividing the state into metalliferous mining districts and appointing an inspector of mines, approved April 1, 1889, and all other acts inconsistent herewith are hereby repealed.

Sec. 26. That section 21 of said act be and the same is hereby made section 26 of this act.

Approved April 10, 1899.

CHAPTER 120.

PENITENTIARY.

(S. B. No. 80, by Senator Felton.)

AN ACT

TO AMEND SECTIONS 8 AND 19 OF CHAPTER LXXXVI. OF THE
GENERAL STATUTES OF 1883, ENTITLED "PENITEN-
TIARY."

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That section 8 of chapter LXXXVI. of the general Statutes, entitled "Penitentiary," be and hereby is amended so as to read as follows:

Sec. 8. The members of the board of commissioners shall each be allowed the sum of three hundred dollars per annum, and the amount actually and necessarily expended in travelling to and from their residences to the penitentiary to attend regular and special meetings of said board. The warden shall receive the sum of twenty-five hundred dollars per annum and his subsistence under the direction of the board of commissioners, as full compensation for all the services required of him. The state auditor is hereby authorized to draw warrants for the payment of the above mentioned salaries upon the presentation of vouchers signed by the president of said board and attested by the secretary thereof.

Board of commissioners, salary, travelling expenses.

Warden, compensation.

Auditor draw warrants.

Sec. 2. Section nineteen (19) of said chapter be so amended as to read as follows:

Sec. 19. The warden shall reside upon the grounds of the penitentiary, and for that purpose shall have the use of the dwelling house thereon, said house thereon, said house to be furnished under the direction of the board of commissioners.

Warden, residence.

Emergency.

Sec. 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 19, 1899.

CHAPTER 121.

PETROLEUM OIL—INSPECTION OF.

(S. B. No. 94, by Senator Felton.)

AN ACT

PROVIDING FOR THE INSPECTION OF ALL KINDS OF PETROLEUM OIL THAT SHALL BE USED FOR ILLUMINATING PURPOSES, REGULATING THE SALE OF SAID OIL, PROVIDING FOR CERTAIN APPOINTMENTS AND REMOVALS TO BE MADE BY THE GOVERNOR, DEFINING WHAT SHALL CONSTITUTE CERTAIN MISDEMEANORS, PRESCRIBING PENALTIES, AND CONTAINING OTHER MATTERS PROPERLY CONNECTED THEREWITH.

Be it Enacted by the General Assembly of the State of Colorado :

Shall inspect
petroleum.

Section 1. All mineral or petroleum oil, or any oil, fluid or substance which is a product of petroleum, or into which petroleum or any product of petroleum enters, or is found as a constituent element, whether manufactured within this state or not, shall be inspected as provided for in this act, before being offered for sale or sold for consumption for illuminating purposes within the state, and such inspection shall be conducted as herein provided, in the following manner:

Test, how
made.

The test shall be made in the well known open Tagliabue fire test cup, and this cup shall be filled to within one-fourth inch of the brim with the oil or other

substance to be tested, taken at the ordinary temperature. The oil or other substance being tested shall be heated by an alcohol lamp or gas jet with its flame so graduated that the rise in temperature from sixty degrees Fahrenheit to the highest degree of temperature shall not be less than two degrees per minute, and shall be as near two degrees per minute as is practicable, and shall in no case exceed four degrees per minute. A Fahrenheit thermometer shall be suspended in such manner that the upper surface of its bulb shall be as near as practicable one-fourth inch below the surface of the oil undergoing the test. As soon as the temperature reaches the point of eighty-six degrees Fahr. the lamp shall be removed from under the water bath and the oil shall then be allowed to rise to a temperature of eighty-eight degrees by the residual heat of water, and at that point the test shall be made by drawing a lighted taper, consisting of a piece of linen thread, of the size known as No. 10. quickly over and above the edge of the oil cup. This test shall be repeated as often as the oil gains five degrees of temperature, three degrees with the lamp under the water bath and two degrees with the lamp removed, until one hundred and eight degrees Fahrenheit. Then the lamp shall be placed under the water bath until 109 degrees Fahr. is reached, when the lamp shall be removed and the oil allowed to rise to temperature of 110 degrees Fahr. when a test as prescribed above shall be made. If the sample of oil when submitted to the above test does not ignite and burn at a temperature of 110 degrees Fahr. for the space of five seconds, then the sample of oil is to be considered of the required degree of safety, and it shall be lawful to sell such oil for illuminating purposes, and it shall be unlawful to sell for illuminating purposes any oil or oils herein described which do not bear such prescribed test, except that product of petroleum with lower fire test may be sold as hereinafter provided, and said products need not be tested, and provided further that oil inspected under the laws of any state, the laws

Unlawful to sell oil which will not bear test.
Except.

Oil from other states admitted without test, when.

Governor appoint inspector.

Term of office.

Employ deputies.

Inspector shall not receive reward for appointment,

May remove deputy.

Inspectors, where stationed.

Duties of.

whereof require a fire test of 110 degrees or over, and marked approved by the inspector or deputy inspector of such state, shall not be inspected again in this state.

Sec. 2. The Governor, by and with the advice and consent of the senate, shall appoint a skilled and suitable person who is not interested in manufacturing [manufacturing], dealing or vending any illuminating oil manufactured from petroleum, as state inspector of oils, whose term of office shall be two years from the date of his appointment, and until his successor is appointed and qualified. Such inspector when so appointed and qualified is hereby empowered to employ a suitable number of deputies, which deputies are hereby empowered to perform the duties of inspector, and shall be liable to the same penalties as the state inspector, provided that the state inspector will not charge or receive any fee, compensation or award for the appointment of any deputy inspector from said deputy or any person, and each deputy shall have such portion of the fees for inspection made by him as may be agreed upon by the inspector and such deputy, and such state inspector may remove any deputy inspectors for any reasonable cause and appoint others in their place.

Either the inspector or a deputy inspector shall be stationed at each point in the state of Colorado at which an oil refinery is being operated. It shall be the duty of such state inspector and his deputies to provide themselves at their own expense with the necessary instruments and apparatus, stencils, brands and stamps for testing and marking the quality of said illuminating oils, and when called upon for that purpose, to promptly inspect all oils herein mentioned, and to reject for illuminating purposes for consumption in this state all oils which for any reason will not stand and equal the test herein prescribed. Such state inspector shall prepare all forms for all stencils, brands and stamps provided for in this act, and also such general rules and regulations for inspection not inconsistent with the terms and provisions of this act, and such rules and regulations

shall be binding upon all inspectors in this state. Such state inspector or his deputies are hereby required, and it is made their duty, to test the quality of all mineral Test all oil. or petroleum oils, or any oil, fluid or substance which is the product of petroleum, or into which petroleum or any product of petroleum enters or is found as a constituent element which is offered or intended to be offered for sale for illuminating purposes in this state whether contained in tanks, tank cars, barrels or other package, and if upon such testing or examination, the same shall meet all requirements herein specified, the said inspector or his deputies shall affix, by stencil or brand on any tank, package, cask or barrel containing the same, and by a stamp subscribed with his official signature, with the words "Approved for Illuminating Affix stamp of approval. Purposes" with the date of such inspection. When oil has been inspected in storage tanks before loading in tank car or cars, the inspector shall furnish the consignee a certificate showing that the oil in such tank Furnish certificate. car or cars has been duly inspected. Such certificate shall show the date of inspection, number and initial of tank car or cars, that the oil in such car is of the required test, and it shall then be lawful for any manufacturer, vendor dealer to sell the same to be consumed within this state for illuminating purposes but if the oil so tested shall not meet such requirements, he shall mark by stencil, or brand in plain letters on any Stamp rejected oil. package or barrel containing the same, and by a stamp subscribed with his official signature, the words "Rejected for Illuminating purposes" giving the date of such inspections; and it shall be unlawful for the owner Unlawful to sell. thereof to sell such oil as is rejected, to be consumed within this state for illuminating purposes, and if any person shall sell or offer for sale such rejected oil, he shall be deemed guilty of a misdemeanor and shall be Misdemeanor. subjected to a penalty in a sum not more than five hundred dollars, or shall be imprisoned in the county jail Penalty. not exceeding twenty days or both.

Prescribed oath.

Sec. 3. Every person appointed state inspector or deputy inspector, shall, before entering upon the duties of his office, take an oath of affirmation as prescribed by the Constitution of this state, and shall file the same in the office of the secretary of state. The state inspector

Execute bond.

shall execute a bond to the state of Colorado in the sum of ten thousand dollars, with such surety as shall be approved by the secretary of state, conditioned upon the faithful performance of the duties imposed upon him by this act, which bond shall be for the use of all persons in any way injured or aggrieved by the acts or neglect of said inspector, and the same shall be filed by the secretary of state. Said inspector shall be sub-

Governor may remove.

ject to removal by the governor for any violation or neglect of his duties as herein prescribed. The deputy

Deputies execute bond.

inspector shall execute a bond to the state of Colorado for the sum of five thousand dollars, with such surety as shall be approved by the Judge of the district court in the county where said deputy inspector is located, which bond shall also be for the use of all persons in any way aggrieved or injured by the acts or neglect of such deputy inspector.

Entitled to fee for inspection.

Sec. 4. Said inspector or deputy inspector shall be entitled to demand and receive from the owner, or party calling on him, or for whom he shall perform the inspection, the sum of one-tenth of one cent per gallon for each gallon inspected, whether in storage tanks, tank cars, barrels or other packages.

Officers keep record of inspection.

It shall be the duty of every inspector or deputy inspector to keep a true and accurate record of all oils so inspected and branded by him, which record shall state the date of inspection the number of barrels and the name of the person for whom inspected, and such record shall be open to the inspection of any and all persons interested, and every deputy inspector shall on the first of each and every month make a true and accurate return to the state inspector, of all such inspections for the preceding month, giving the quantity in-

Deputies report to inspector.

spected, the date of inspection and the name of the person for whom it is inspected.

On the first Monday of February of each and every year, the state inspector shall make and deliver to the governor of the state an annual report of the inspections by himself and deputies for the preceding calendar year. Inspector make annual report.

Sec. 5. If any person or persons, or agent for any person, shall knowingly sell or attempt to sell to any person in this state any such oil to be consumed within this state for illuminating purposes, whether manufactured in this state or not, before having the same inspected as provided in this act, he shall be deemed guilty of a misdemeanor and shall be subject to a penalty, and upon conviction thereof, shall be fined in any sum not less than fifty dollars or more than three hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court. Misdemeanor. Penalty.

Sec. 6. Any person or agent for any person who sells or attempts to sell to any person in this state any such oils to be consumed within this state for illuminating purposes, whether manufactured in this state or not, before having the same inspected as provided in this chapter, shall be fined in any sum not less than one hundred dollars nor exceeding three hundred dollars, or any person who falsely brands any package, cask or barrel as provided in this section, or refills and uses any package, cask or barrel having the inspector's brand thereon without the oil therein having been inspected, shall be fined in any sum not exceeding five hundred dollars, nor less than one hundred dollars, or be imprisoned in the county jail not exceeding six months or both at the discretion of the court; and any person selling or dealing in illuminating oils produced from petroleum, who sells or disposes of any empty barrel, cask or package, which has been branded by the inspector or a deputy inspector before cancelling, removing or effacing the inspection brand, the same shall be fined fifty Unlawful to sell without inspection. Penalty.

dollars for each barrel, cask or package thus sold or disposed of.

Unlawful to adulterate.

Sec. 7. No person may adulterate with any substance whatever for the purpose of sale or for use for illuminating purposes, any oil obtained from petroleum or obtained from coal, in such manner as to render dangerous to use, nor shall any person sell or offer for sale any oil obtained from petroleum or obtained from coal, or from products of either, for illuminating purposes in this state, which by reason of being adulterated or for any reason whatever, will burn at a temperature of less than 110 degrees Fahrenheit.

Must test, when.

Sec. 8. It shall be the duty of any Inspector or Deputy Inspector to inspect all oil which any person shall demand inspection of within five days after such demand is made, except at points where a refining plant is being operated the inspection shall be made on demand, any any Inspector who shall purposely and wilfully fail to comply with the provisions of this section shall be deemed guilty of a misdemeanor and shall be fined in any sum not more than two hundred dollars.

Penalty for neglect of duty.

Party asking for inspection pay expenses.

Sec. 9. In case an Inspector or Deputy Inspector is required to inspect oil distant from the place at which he resides, it shall be the duty of the party asking for inspection to pay the expenses of the trip of such Inspector or Deputy Inspector in addition to the regular fee for inspecting the oil.

Unlawful for officers to traffic in oil.

Sec. 10. No inspector or deputy inspector shall, while in office, traffic directly or indirectly in any article in which petroleum or product thereof is a constituent [constituent] part, and in case of any violation of the provisions of this section, by any Inspector or Deputy Inspector, he shall be deemed guilty of a misdemeanor and upon conviction thereof he shall be fined in any sum not exceeding five hundred dollars and shall be removed from office as such Inspector or Deputy Inspector.

Penalty.

Certificate necessary for sale.

Sec. 11. Illuminating Oil may be sold or delivered from tank, wagon, or other bulk delivery, provided that

the seller shall give on demand a certificate stating that such oil has been duly inspected. When oil has once been inspected and approved in tank cars, or other large receptacles and is afterwards repacked into smaller packages, the party so repacking shall place on such package a label stating that the oil in such packages has been duly inspected and approved, and any person or persons who shall so label oil which has not been duly inspected and approved, shall be liable to the same penalties as if the oil was offered for sale without inspection, as provided in this act. Packages contain label.

Sec. 12. In the event any such Inspector or Deputy Inspector shall omit any duty imposed upon him by this act, or shall commit any act prohibited by the provisions of this act, he shall be removed by the Governor upon proof thereof to his satisfaction, and if any inhabitant of this state shall suffer loss or damage by any such act of omission or commission on the part of any Inspector or Deputy Inspector, he shall have action therefor upon the bond of such Inspector or Deputy Inspector in the name of the State. Governor may remove. Inspectors liable on bond.

Sec. 13. It shall be the duty of the Governor to remove from office and appoint a competent person in the place the Inspector who is unfaithful in the duties of his office. Remove Inspectors, when.

Approved April 14, 1899.

CHAPTER 122.

PARIS EXPOSITION COMMISSIONERS.

(H. B. No. 266, by Mr. Dickerson.)

AN ACT

TO PROVIDE FOR THE COLLECTION, MANAGEMENT AND DISPLAY OF THE MINERAL PRODUCTS OF THE STATE OF COLORADO AT THE PARIS EXPOSITION OF 1900; CREATING A BOARD OF PARIS EXPOSITION COMMISSIONERS (COMMISSIONERS) AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the General Assembly of the State of Colorado :

Commission.

Section 1. That for the purpose of exhibiting the mineral resources of the State of Colorado at the Paris Exposition of 1900, a commission is hereby constituted, to be designated "The Board of Paris Exposition Commissioners of the State of Colorado," which shall consist of six persons, one of whom shall be the governor of the state, who shall be the president of the board, to be organized and continue its duties as hereinafter provided.

Governor to be president.

Governor appoint.

Sec. 2. The five other members of said board shall be appointed by the governor within three months after the passage of this act, and in such appointments each of the leading political parties shall be represented, two of the same political party as the governor and the remaining three of the three other political parties. They shall meet at such time as the governor may appoint, and organize by the election of a vice president, a secretary and a treasurer. The treasurer of said board shall give a bond to the state in the sum of ten thousand dollars (\$10,000), with five sureties, to be approved by the governor, for the proper performance of his duties. Four members of said board shall constitute a quorum for the

Treasurer give bond.

transaction of business, and the board shall have power to make rules and regulations for its own government. Any member of the board may be removed by the governor for cause. Any vacancy in the membership of said board shall be filled by the governor.

Vacancy filled
by governor.

Sec. 3. Each of the members of said board appointed by the governor as aforesaid shall be thoroughly familiar with the mining industry of the state of Colorado in its several branches, with its mineral resources. The board shall elect one of its members to be commissioner-in-chief, and he shall represent the state of Colorado at Paris during the exposition of 1900, under the direction of the said board.

Members to be
familiar with
mining
industry.

Sec. 4. The said board shall have authority to solicit and collect voluntary cash subscriptions and donations from the several counties of the state, through their boards of commissioners; from the various towns and mining districts of the state, and from companies, corporations, associations and individuals, for the purpose of preparing and exhibiting at the Paris Exposition of 1900 a suitable display of the mineral products of the state of Colorado. The said board shall keep strict account of all moneys thus collected and the disposition thereof. From the funds in its hands it shall pay all expenses incurred in carrying out the provisions of this act, except as otherwise provided in section 10.

Board author-
ized to solicit
cash.

Account kept.

Sec. 5. The members of the board created under this act, except the commissioner-in-chief, shall not be entitled to any compensation for their services, except their actual expenses for transportation and the sum of five dollars (\$5) per day for each day necessarily spent in the performance of their duties as members of said board. The commissioner-in-chief shall receive a salary to be fixed by the board, in addition to his actual traveling expenses; Provided, That all compensations, salaries and expenses specified in this section shall be paid only out of moneys collected by the board under the provisions of section 4, and not otherwise.

Board receive
per diem.

Commissioner-
in-chief receive
salary.

Board to have charge of exhibit.

Sec. 6. The said board shall have charge of the interests of the state and its citizens in the preparation and exhibition at the Paris Exposition of 1900 of the mineral products of the state collected and turned over to them by any of the organizations of this state under the provisions of this act, and all other matters relating to the Paris Exposition of 1900. It shall communicate with the officers of said exposition and obtain and disseminate throughout the state through the medium of the newspapers of the state and otherwise, all necessary and interesting information regarding said exposition, and in general have and exercise full authority in relation to the participation of this state and its citizens in the Paris Exposition of 1900.

Shall meet and make written report monthly of subscriptions.

Sec. 7. The board shall meet monthly, and at each meeting the treasurer shall make an itemized written report to the governor of all subscriptions received and all moneys collected, and of all disbursements. The secretary shall in similar manner report upon mineral collections, displays, materials and data collected. It shall be the duty of the secretary to furnish copies of such reports to the daily newspapers at the capital.

Board collect data and secure articles on mining, etc., maps and photographs.

Sec. 8. The board shall collect all available data regarding the mining industry of the state of Colorado, and to that end, shall communicate with mining engineers to furnish intelligent and interesting articles on mining, milling, mode of occurrence of ore bodies, cost of operation, etc., also maps and photographs of the various mining sections of the state. The board shall have the privilege of calling upon the state commissioner of mines of the state of Colorado for any and all information and data concerning the mining industry in said state, of which the state commissioner of mines is possessed. The board shall have authority to collect and arrange an exhibit of the mineral productions of the state of Colorado, which shall be placed on exhibition at the Paris Exposition of 1900, under the charge and control of the said board.

May call on commissioner of mines for information.

Board shall collect and arrange exhibit.

Sec. 9. The boards of county commissioners of the several counties of this state may make such provisions as to them may seem proper for the purpose of enabling their respective counties to secure a proper representation of its mineral resources at the Paris Exposition of 1900, and the funds so appropriated by any county shall be expended in said county in the collection and preparation of exhibits from the same, under the control and management of some suitable citizen or citizens of said county, to be selected by the county commissioners and recommended by them to the president of the board of commissioners of the Paris Exposition, who shall appoint such person or persons in each county making an appropriation, and such persons shall collect exhibits under the general direction of the commission, and prepare the same for shipment, and when so prepared they shall be taken charge of by said board, and the expenses incident to transporting and placing same on exhibition shall be paid by the treasurer of said board.

County commissioners provide for exhibits of their respective counties.

Place on exhibition.

Sec. 10. To carry out the provisions of this act, the sum of two hundred fifty dollars (\$250.) is hereby appropriated and the state treasurer is directed to pay the same from the general funds from time to time on the requisition of said board, signed by the governor, and accompanied by statements of the expenses to the payment of which the money so drawn is to be applied; Provided, that no part of this appropriation shall be used for other purposes than the payment of the expenses incurred in the transportation of the exhibits provided for in this act.

Appropriation.

Sec. 11. Said board is authorized and required to call on all the institutions of the state supported in whole or in part by the funds of the same, for aid or assistance for any collections or mineral productions in their possession, and such as they are able to collect with the means at their disposal, and they shall deliver said articles to the board of commissioners of the Paris Exposition of 1900; Provided, All of said collections or exhibits shall be under the charge of the said board, which shall

May call on state institutions for aid and assistance.

All exhibits to be under charge of board.

be responsible for the return to the state institutions of any collections so furnished, and shall give a bond to each of said institutions, in a sufficient sum guaranteeing the return of said collections.

Board shall return collections and exhibits.

Sec. 12. The board shall immediately after the close of the Paris Exposition of 1900 return all collections or exhibits borrowed to their respective owners. Any moneys received by the said board remaining unexpended after the completion of its duties shall be turned into the state treasury and the state treasurer shall keep the same as a separate fund, to be known as the "Exposition Fund," which said fund shall be held subject to appropriations by the general assembly and shall only be used for the purposes of advertising and displaying the resources and products of Colorado in other states and countries.

Remaining fund turn over to state treasurer.

Capitol managers provide board with office room.

Sec. 13. The state board of capitol managers is hereby directed to provide said board of Paris Exposition commissioners with a suitable office in the state capitol building.

Repeal.

Sec. 14. All acts and parts of acts in conflict herewith are hereby repealed.

Emergency.

Sec. 15. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 12, 1899.

CHAPTER 123.

PRIZE FIGHTING.

(H. B. No. 191, by Mr. Cannon.)

AN ACT

ENTITLED "AN ACT IN RELATION TO PRIZE FIGHTING AND
SPARRING EXHIBITIONS.*Be it Enacted by the General Assembly of the State of Colorado :*

Section 1. A person who, within this state, engages ^{Misdemeanor,} in, instigates, aids, encourages or does any act to fur-^{what constitute.}ther a contention or fight without weapons, between two or more persons, or a fight commonly called a ring or prize fight, either within or without the State, or who engages in a public or private sparring exhibition, with or without gloves, within the state, to attend which an admission fee is charged or received, either directly or indirectly, or who sends or publishes a challenge or acceptance, of a challenge for such an exhibition or fight, or carries or delivers such a challenge or acceptance, or trains or assists any person in training or preparing for such a contest, exhibition or fight, is guilty of a misdemeanor; Provided, however, That sparring exhibitions ^{Provided.} with gloves of not less than five ounces each in weight may be held by a domestic incorporated athletic association in a building leased by it for athletic purposes only, for at least one year, or in a building owned and occupied by such association, upon the payment of a yearly license of not less than one thousand dollars (\$1,000) into ^{License.} the treasury of the city or town wherein such association has its building, or if such building be not situated within the limits of any incorporated town or city, then such yearly license shall be paid into the treasury of the county wherein such building is situated.

Approved April 6, 1899.

CHAPTER 124.

PUBLIC WORKS—PAYMENT OF CLAIMS OF LABORERS.

(S. B. No. 5, by Senator Stewart.)

AN ACT

TO SECURE THE PAYMENT OF CLAIMS OF LABORERS, SUB-
CONTRACTORS, AND OTHERS, PERFORMING LABOR AND
FURNISHING MATERIALS UPON PUBLIC WORKS CON-
STRUCTED UNDER THE AUTHORITY OF CITIES, INCOR-
PORATED TOWNS AND SCHOOL DISTRICTS.

Be it Enacted by the General Assembly of the State of Colorado :

Moneys due
contractor to be
withheld to
satisfy claims
of laborers, etc.

Section 1. That hereafter it shall be the duty of
councils of cities, Trustees of incorporated towns, boards
of commissioners of counties and boards of directors of
school districts within the limits of municipal corpora-
tions, which have contracted for the construction of pub-
lic works, to withhold [withhold] payment of moneys
due the contractor for the construction of such public
works, to satisfy the claims of laborers, subcontractors
and others performing labor or furnishing materials
upon or for such public works, in the manner hereinafter
prescribed.

Before payment
contractor pre-
sent statement.

Sec. 2. Before any payment shall be made to the
contractor as may be provided for in the contract for the
construction of such public works, the contractor shall
present to the council of Cities, trustees of towns, boards
of commissioners of counties and directors of school dis-
tricts, a statement in writing showing the amounts owing
by him for labor performed or materials furnished, and
the names of the persons to whom such sums are due,

and in case such contractor shall have sublet a part of such works, the statement shall show the sum owing the subcontractor, and shall be accompanied by a statement from the subcontractor showing names of persons performing labor or furnishing materials at the instance of such subcontractor, and amounts due such persons respectively; such statements shall be verified under oath by the contractor or subcontractor that the same correctly states the sums owing for labor and materials, with names of persons to whom such sums are owing. Statement shall be verified.

It shall be the duty of Clerks of Cities and towns, and of boards of county commissioners and the secretary of school districts, to cause to be published in some newspaper of general circulation in the county, a notice in substance, that at a designated meeting of the council, trustees, board of commissioners or directors of school districts as the case may be, to be held not less than 10 days from the date of, the first publication of such notice, payment will be made the contractor and that claimants to whom sums are owing for labor or materials, may file with the Clerk of cities, towns and board of commissioners or secretary of school districts, on or before the day of such meeting. Publish notice of meeting to be held to make payment to contractor.

Sec. 3. Any person, to whom a contractor or subcontractor may be indebted, may file with the clerk of such City, town, or boards of County Commissioners or secretary of the school district, his claim, or before time designated in notice, duly verified upon oath as correct, in which shall be stated the amount claimed as owing, the name of the contractor or subcontractor by whom he was employed, or at whose instance he furnished material. If such claims tally with statement of contractor or subcontractor as to amount due, name of claimant, the amount claimed shall be paid directly to claimant, and shall be deducted out of sum to be paid contractor or subcontractor, as case may be; provided, where the amounts due contractor or subcontractor are insufficient to pay the claims filed, the sum to be paid contractor or subcontractor shall be pro rated among the respective claimants Creditor of contractor file verified claim.

If claim tally with contractor's statement, paid directly to claimant.

Proviso.

If claim not
tally with con-
tractor's state-
ment.

against such fund in proportion to amount of claims. In case claim filed shall not be admitted, or tally with statements filed by contractor or subcontractor as aforesaid, such claimant shall within 30 days bring suit in some court of competent jurisdiction to recover judgment against the contractor or subcontractor by whom he was employed, or for whom he furnished materials, and upon filing a transcript, showing final judgment has been recovered, together with a certificate of Clerk of Court, that the same has not been appealed from, shall be entitled to be paid the same as if claim had been admitted as aforesaid. Two or more claimants against the same person may join in suit, and recover one several judgment, upon which execution may issue as in other cases.

Claimants may
join in suit.

No payments
during progress
of work, unless.

Sec. 4. This act shall not be construed to prevent payments being made to a contractor during the progress of the work, but no payment shall be made unless receipts are produced from all subcontractors including laboring men and material men, up to the date of any such payment, nor shall it apply to contracts, where the contract price is less than \$200.

Not apply to
contracts less
than \$200.

Approved April 10, 1899.

CHAPTER 125.

RAILROADS—CONNECTING LINES.

(H. B. No. 124, by Mr. Smith, of Mesa.)

AN ACT

AUTHORIZING RAILROAD CORPORATIONS TO PURCHASE CONNECTING LINES OF ROAD, AND TO HOLD AND OWN THE STOCK AND OBLIGATIONS OF SUCH CONNECTING LINES, AND TO AUTHORIZE RAILROAD COMPANIES TO SELL THEIR LINES TO CORPORATIONS OWNING CONNECTING ROADS.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. Any railroad company owning or operating a line of railroad in this State may purchase other lines of railroad within or without this State which shall connect with the road operated by such Company, directly, or by means of any other line which such company shall have the right by contract or otherwise, when constructed, to use or operate and may acquire and may hold, the obligations and stock of other companies owning or operating any such line of road which such company is so authorized to purchase or which under the laws of this State, it is authorized to lease, or with which under said laws it may be authorized to consolidate, and any corporation existing under the laws of this State may sell its line of railroad to any other company to which, under the laws of this State it may lease the same or with which it may consolidate; provided, that no line of railroad shall be so purchased until a meeting of the Stockholders of such company or companies of this State, party or parties to such an agreement whereby a railroad in this State may be purchased, has been called for that purpose in such manner as provided for the annual Stockholders' Meeting, and the holders of at least two thirds of the Stock of such Company

Railroads purchase or lease connecting lines.

Corporation may sell.

Approval by two-thirds vote of stockholders necessary.

consent thereto; provided, this shall not authorize the purchase or sale of competing or parallel lines.

Approved April 18, 1899.

CHAPTER 126.

RESERVOIRS.

(S. B. No. 47, by Senator Evans.)

AN ACT

IN RELATION TO RESERVOIRS.

Be it Enacted by the General Assembly of the State of Colorado :

Construction of
reservoirs.

Section 1. No reservoir of a capacity of more than seventy five Millions cubic feet of water, or having a dam or embankment in excess of ten feet in vertical height, and covering an area of more than 20 acres shall hereafter be constructed in this state, except the plans and specifications of the same shall first be approved by the state engineer; and the state engineer shall act as consulting engineer during the construction thereof, and shall have authority to require the material used and the work of construction to be done to his satisfaction; and no work shall be deemed complete under the provisions of this act until the state engineer shall give to the owners of such structures a written statement of the work of construction and the full completion thereof together with his acceptance of the same, which statement shall specify the dimensions and capacity of such reservoir or reservoirs.

Authority of
state engineer.

Furnish
statement.

Cost of inspection and supervision paid by owner.

Sec. 2. The owners of such reservoirs shall pay to said state engineer his actual expenses incurred in making personal inspection, and five dollars per day and expenses to any deputy appointed by him to attend to such supervision when necessarily employed for such purpose

Sec. 3. The state engineer shall annually determine the amount of water which it is safe to impound in the several reservoirs within this state and it shall be unlawful for the owners of any reservoir to store in said reservoir water in excess of the amount so determined by the state engineer to be safe.

Engineer annually determine amount of water.

Sec. 4. In the event of the owners of any such reservoir impounding water therein to a depth greater than that determined by the state engineer to be safe, it shall be the duty of the water commissioner of the district wherein such reservoir shall be located, to forthwith proceed to withdraw from said reservoir so much of the water so impounded therein as shall be in excess of the amount so determined by the state engineer to be safe, and shall close the inlets to the same so as to prevent said reservoir from being refilled to an amount beyond what said state engineer shall have designated as being safe. In the event of the owners of said reservoir, or any other person or persons, interfering with the water commissioner in the discharge of said duty, the said water commissioner shall call to his aid such persons as he deems necessary, and employ such force as the circumstances demand to enable him to comply with the requirements of this section.

Water commissioner withdraw excess water.

Shall close inlets.

May employ force necessary.

Sec. 5. Upon complaint being made to the state engineer by three or more persons residing or having property in such a location that their homes or property would be in danger of destruction or damage in the event of a flood occurring, on account of the breaking of the embankment of any reservoir within the state, that said reservoir is in an unsafe condition, or that it is being filled with water to such an extent as to render it unsafe, it shall be the duty of the state engineer to forthwith examine said reservoir and determine the amount of water it is safe to impound therein. If upon such examination, the state engineer shall find that said reservoir is unsafe, or is being filled with water to such an extent as to render it unsafe, it shall be his duty to immediately cause said water to be drawn off from said reservoir, to such an extent as will, in his judgment, ren-

Engineer shall examine reservoir on complaint of three persons.

Withdraw excess water if unsafe.

der the same safe. If water is then flowing into said reservoir, he shall cause the same to be discontinued.

Engineer may
employ force,
when.

Sec. 6. The state engineer is hereby authorized and empowered to use such force as is necessary to perform the duties required of him in the preceeding [preceding] section, and to have and exercise all of the powers conferred upon the water commissioner by section 4 of this act. If, after any of such reservoirs shall have been examined by said state engineer, the owners thereof, or any other person or persons, shall fill or attempt to fill them, or either of them to a point in excess of the amount the state engineer shall have determined to be safe, then it shall be the duty of the water commissioner of the district wherein such reservoir is located to proceed as is directed by section 4 of this act.

Duty of water
commissioner.

Owner liable
for expense of
examination.

Sec. 7. The persons calling upon the state engineer to perform the duty required of him by section 5 hereof shall pay him mileage in advance at the rate of ten cents per mile for each mile actually and necessarily traveled in going to and from said reservoir, and should the state engineer find upon examination that that such reservoir is in an unsafe condition, the owners thereof shall be liable for all expenses incurred in such examination.

Appeal to court.

Sec. 8. In the event of either party being dissatisfied with the decision [decision] of the state engineer, they may take an appeal to the county, or district court of the county wherein said reservoir is located, and said court shall hear and determine the matter summarily at the earliest practical time without written pleadings or the aid of a jury; subject to the right of either party to take an appeal or writ of error as in other civil cases, Provided; that the judgment of the state engineer shall control until final determination of the cause.

Court shall
determine.

Proviso.

Owners liable
for damages in
case of break-
age of reservoir.

Sec. 9. None of the provisions of this act shall be construed as relieving the owners of any such reservoir from the payment of such damages as may be caused by the breaking of the embankments thereof, but in the event of any such reservoir overflowing, or the embankments dams or outlets breaking or washing out, the

owners thereof shall be liable for all damages occasioned thereby.

Sec. 10. Any reservoir company failing or refusing, Failure to comply. after ten days notice in writing having been given, to obey the directions of the state engineer as to the construction or filling of any reservoir as herein provided, shall be subject to a fine of not less than fifty dollars, Penalty. for each offense, and each day's continuance after time of notice has expired shall be considered a separate offense; such fines to be recovered by civil action in the name of the people, by the district attorney, upon the complaint of the state engineer, and in the county where the injury complained of occurred, the proceeds of all Recovery of fines. fines, after payment of costs and charges of the proceedings, shall be paid into the county treasury for the Disposition. use of the general fund of the county.

Approved April 6, 1899.

CHAPTER 127.

REINSURANCE.

(H. B. No. 196, by Mr. Estes.)

AN ACT

IN RELATION TO REINSURANCE AND THE TRANSACTION OF BUSINESS BY FIRE INSURANCE COMPANIES, SOCIETIES, ASSOCIATIONS OR PARTNERSHIPS, OTHERWISE THAN THROUGH RESIDENT AGENTS.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. No fire insurance company, society, association or partnership not incorporated under the laws of this State, but legally authorized to transact business herein, shall make, write, place, or cause to be made, written or placed, any policy, duplicate policy or contract of insurance of any kind or character, or any general or Companies not incorporated under laws of state may insure, when.

floating policy, upon property situated or located in this State except after the said risk has been approved, in writing, by an agent who is a resident of this State, regularly commissioned and licensed to transact insurance business herein, who shall countersign all policies so issued and receive the commission thereon when the premium is paid, to the end that the State may receive the taxes required by law to be paid on the premiums collected for insurance on all property located in in this state.

Shall not reinsure, when.

Shall not transfer.

Must have authority to transact business in state.

Superintendent may examine books, records, etc., when.

Sec. 2. No fire insurance company, society, association or partnership, shall reinsure in any manner whatsoever, the whole or any part of a risk taken by it on property situated or located in this State in any other company or association not authorized to transact business in this State. No fire insurance company, society, association or partnership shall transfer or cede, in any manner whatsoever, to any company or association not authorized to do business in this State, any risk or liability or any part thereof assumed by it, under any form of contract of insurance, covering property located in this State, including any risk or liability under any general or floating policy, or any agreement, general, floating or specific, to reinsure excess loss by one or more fires. No fire insurance company, society, association or partnership shall reinsure, or assume as a reinsuring company, or otherwise, in any manner or form whatsoever [whatsoever], the whole or any part of any risk or liability, covering property located in this State, of any insurance company, society, association or partnership not authorized to transact business in this State.

Sec. 3. Whenever the Superintendent of Insurance shall have or receive information, that any fire insurance company, society, association or partnership, not incorporated under the laws of this State, has violated any of the provisions of Section one of this act, he is authorized, at the expense of such company, society, association or partnership, to examine, by himself or his accredited representative, at the principal office or offices of such

company, society, association or partnership, located in the United States of America, or in any foreign country, and also at such other offices or agencies of such company, society, association or partnership as he may deem proper, all books, records and papers of such company, society, association or partnership, and may examine under oath the officers, managers and agents of such company, society, association or partnership as to such violation or violations. The refusal of any such company, society, association or partnership to submit to such examination or to exhibit its books and records for inspection shall be presumptive evidence that it has violated the provisions of the first section of this act, and shall subject it to the penalties prescribed and imposed by this act.

Refusal to submit, evidence of fraud.

Sec. 4. Every fire insurance company, society, association, or partnership shall annually and at such other times as the superintendent of insurance may require, in addition to all returns now by law required of it or its agents or managers, make a return to the superintendent of insurance in such form and detail as may be prescribed by him of all reinsurance cessions of risk or liability contracted for or affected by it, whether by issue of policy, entry bordereau, or general participation agreement, or by excess loss re-insurance, or in any other manner whatsoever, upon property located in this state, or covering, whether specified or otherwise any risk or liability upon property so located, such return to be certified by the oath of its president and secretary, if a company, society, association or partnership of one of the United States, and, if a company, society, association or partnership of a foreign country by the oath of its managers in the United States as to such re-insurance cessions effected through its branch office in the United States, and by the oath of its president and secretary, or by officers corresponding thereto, at its home office wherever located, as to re-insurance or cessions as aforesaid, contracted for or effected through the foreign office. The refusal of any such company, society, association or partnership to make the returns herein required shall be presumptive evidence

Companies make report, when.

Contents.

Refusal to make report, evidence of guilt.

that it is guilty of violating the provisions of the second section of this act, and shall subject it to the penalties prescribed and imposed by this act.

Violation.

Penalty.

Company file
certificate
before
reinstatement.

Company must
file certificate
of compliance.

Repeal.

Emergency.

Sec. 5. Any fire insurance company, society, association or partnership wilfully violating or failing to observe and comply with any of the provisions of this Act, applicable thereto, shall have its authority to transact business in the state revoked by the Superintendent of Insurance, and such revocation shall continue for at least one year from the date thereof, nor shall any fire insurance company, society, association or partnership whose authority to transact business in this state shall have been so revoked be again authorized or permitted to transact business herein until it shall have filed in the office of the superintendent of Insurance a certificate signed by its president or other chief officer to the effect that the terms and obligations of the provisions of this act are accepted by it as a part of the conditions of its right and authority to transact business in this state.

Sec. 6. Any fire insurance company, society, association or partnership, who shall hereafter apply to enter this state to transact business as a new company or to have their [its] certificate of authority renewed, shall, before permission is given to transact business, or before the renewal of their [its] certificate of authority be issued, file with the office of the Superintendent of Insurance a certificate signed by its president or other chief officer, to the effect that the terms and obligations of the provisions of this act are accepted by them as a part of the conditions of its right and authority to transact business in this state.

Sec. 7. All acts and parts of acts, whether general or special, inconsistent with the provisions of this act, are hereby repealed.

Sec. 8. Whereas, In the opinion of the general assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

Approved April 10, 1899.

CHAPTER 128.

REVENUE.

(S. B. No. 281, by Senator Taylor.)

AN ACT.

IN RELATION TO REVENUE, AND AMENDING GENERAL SECTION 2824 OF THE GENERAL STATUTES OF THE STATE OF COLORADO, 1883, (THE SAME BEING SECTION 3776 OF MILLS' ANNOTATED STATUTES.)

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That general section 2824 of the General Statutes of the State of Colorado, 1883, (the same being section 3776 of Mills' Annotated Statutes), be amended to read as follows:

Sec. 2824. When by mistake or wrongful act of the treasurer, clerk or assessor, or from double assessment, land has been sold on which no tax was due at the time, the county shall hold the purchaser harmless by paying him the amount of the principal, and interest at the rate of eight per cent. per annum; and the treasurer, clerk or assessor, as the case may be, and his sureties on his official bond, shall be liable to the county for all losses sustained by the county from sales made through his mistake or misconduct.

Purchaser harmless in case of error.
Officer liable.

Approved April 4, 1899.

CHAPTER 129.

REVENUE—COLLECTION OF.

(S. B. No. 295, by Senator Hill.)

AN ACT

TO FACILITATE THE COLLECTION OF THE PUBLIC REVENUE.

Be it Enacted by the General Assembly of the State of Colorado :

Treasurers mail
notice of
amount of tax
to taxpayers.

Section 1. County Treasurers and the Treasurers of other Municipal Corporations entrusted with the collection of revenue, shall each year, after the Assessment Rolls and Tax Lists have been formally made up and extended, by letter addressed and mailed, notify each person from whom the payment of a tax is known to be due, of the amount of such tax. Such notice shall specify the amount of the valuation and separately state the tax levied upon personal property and upon real estate. A similar return of information shall, upon request, be furnished to any person claiming an interest in any real property upon which a lien for taxes is claimed to exist.

Assessor obtain
postoffice
address of tax-
payers.

Sec. 2. To facilitate the mailing of these notices, the Assessor shall, as far as practicable, obtain the Post Office or street address of the respective tax-payers and make returns of the same in his official reports: Provided, That the failure upon the part of the Treasurer or Assessor to comply with any of the provisions of this Act shall in no way invalidate the Assessments or Tax sales made of any property.

Proviso.

Approved April 6, 1899.

CHAPTER 130.

REVENUE—DELINQUENT TAXES.

(H. B. No. 64, by Mr. Turney.)

AN ACT

TO AMEND SECTION 6 OF AN ACT ENTITLED "AN ACT CONCERNING PENALTIES AND INTEREST ON DELINQUENT TAXES AND PROVIDING FOR THE MANNER OF ADVERTISING AND COLLECTING THE SAME AND REPEALING ALL ACTS IN CONFLICT THEREWITH," APPROVED MARCH 3, 1894.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That section 6 of an act entitled "An act concerning penalties and interest on delinquent taxes and providing for the manner of advertising and collecting the same, and repealing all acts in conflict therewith," approved March 3, 1894, shall be and the same is hereby amended so as to read as follows: Amendment.

Sec. 6. Real property, sold under the provisions of this act may be redeemed by the owner, his agent, assignee or his attorney, or by any person having a legal or equitable claim therein, at any time before the expiration of three years from the date of sale and at any time before the execution of the treasurer's deed to the purchaser, his heirs or assigns, by the payment to the county treasurer of the proper county, to be by him held subject to the order of the purchaser, of the amount for which the same was sold, with interest thereon from the date of sale, at the rate of twenty-four per cent. per annum for the first six months, eighteen per cent. per annum for Real property may be redeemed.
Time.
Payment.
Interest.

the subsequent six months, and the remaining period the rate of twelve per cent. per annum, together with the amount of all taxes accruing on such real estate after the first sale paid by the purchaser and endorsed on his certificate of purchase, with interest thereon at the rate of twelve per cent. per annum on such taxes paid subsequent to such sale, but if the said subsequent taxes should be paid before the time when unpaid taxes levied for that year would become delinquent, interest shall only be computed from the time of their delinquency; Provided, That this amendment shall not affect any certificate now outstanding or subsequent taxes paid thereon, but interest and penalties shall be computed in accordance with the law in force at the date of sale;

Not affect outstanding certificates.

Interest and penalties.

Provided, further, That all statutory fees paid by the purchaser in connection with such certificate, shall bear the same rate of interest and penalties as the original amount for which the property was sold, the same to be pro-rated among the several tracts described in said certificate, but in no case to exceed ten cents each.

Approved April 28, 1899.

CHAPTER 131.

REVENUE—LEVY FOR MOBILIZATION COLORADO TROOPS.

(S. B. No. 338, by Senator Seldomridge.)

AN ACT

TO PROVIDE FOR THE PAYMENT OF THE CERTIFICATES OF INDEBTEDNESS ISSUED IN PAYMENT OF THE EXPENSES INCURRED IN THE MOBILIZATION, EQUIPMENT AND SUSTENANCE OF THE COLORADO TROOPS IN THE WAR WITH SPAIN, AND TO PAY THE TROOPS THE PER DIEM EARNED WHILE STATIONED AT CAMP ADAMS IN DENVER, AND PROVIDING A TAX LEVY THEREFOR.

Whereas, During the year 1898 a large amount of expense was incurred in the mobilization, equipment and sustenance of the Colorado troops, on account of the war with Spain, amounting in all to \$34,009.91, with interest, and

Whereas, There is no fund in the treasury for the payment of the same; therefore,

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That for the purpose of paying the certificates of indebtedness issued in payment of the expenses incurred in the mobilization, equipment and sustenance, and also for paying for six days' service of the Colorado National Guard while stationed at Camp Adams in Denver, in the year 1898, there shall be levied and assessed on all of the taxable property of the state in the year 1899, a levy of one fifth of one mill on each dollar of valuation, which levy shall be in addition to the four mills levy provided for by the Constitution. Said tax shall be collected at the same time and in the same manner as all

Levy and assessment of one-fifth of one mill.

Tax, how collected.

other state taxes and shall be paid by the county treasurers of the several counties of the State to the State Treasurer, and shall be by him kept separate from other funds and credited to a fund to be known as the Spanish War Fund. Such indebtedness shall be paid by warrant drawn upon said fund by the Auditor of State as in other cases.

Kept in
separate fund.

Appropriation. Sec. 2. There is hereby appropriated out of any moneys that may be raised under the provisions of section one of this act, the sum of ten thousand eight hundred ninety-nine dollars (\$10,899), or so much thereof as may be necessary, to pay the members of the Colorado National Guard for six days' service to the state while stationed at Camp Adams, in Denver, Colorado, in the year 1898.

Auditor draw
warrant.

The Auditor of the State, upon the presentation to him of properly approved vouchers therefor, is hereby authorized and directed to issue to the party or parties to whom the state has become indebted on account of such service his warrant, drawn upon the Treasurer of the State and payable out of the said Spanish War Fund, for such sum or sums as may be due from the State to such party or parties.

Emergency.

Sec. 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 4, 1899.

CHAPTER 132.

REVENUE—TAXATION OF MINERAL LANDS.

(H. B. No. 214, by Mr. Rawalt.)

AN ACT

TO PROVIDE FOR THE TAXATION OF LANDS CHIEFLY VALUABLE FOR COAL, IRON, STONE, CLAY, ASPHALTUM AND OTHER LIKE METALS AND MINERALS AND REPEALING ALL ACTS IN CONFLICT THEREWITH.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. All lands chiefly valuable for coal, iron, stone, clay, asphaltum and other metals and minerals, except gold and silver, and other precious metals, shall be assessed and taxed as provided in this act and not otherwise; and such taxes shall be levied and enforced by sale of property taxed, in default of payment, in the same manner as is now, or may be provided by law, in the case of other taxable real estate.

Mineral lands shall be taxed.
Taxes enforced by sale of property.

Sec. 2. The number of survey lot or the government subdivision or a description by metes and bounds shall be sufficient description for purposes of taxation and assessment of such lands.

Description.

Sec. 3. All lands chiefly valuable for coal, iron, stone, clay, asphaltum and other such metals and minerals, and possessory rights therein, producing any of the above metals or minerals during the year exceeding in value the sum of one thousand dollars, shall be assessed by the assessor for the purpose of taxation and revenue, as follows, to-wit: The assessor shall compute and ascertain the gross proceeds in dollars and cents derived from said lands for the preceding fiscal year; such land shall be valued for revenue purposes at a sum not ex-

Lands producing in excess of one thousand dollars during year, how assessed.

Assessment on contiguous government subdivisions prorated. such gross proceeds are derived from a group of government subdivisions contiguous to each other, owned or held by the same person, company or corporation, then such ascertained sum shall be equally divided among and prorated to each of said government subdivisions, and they shall be valued and taxed accordingly.

Lands not patented, how assessed. Sec. 4. In case the lands shall not be patented or entered for patent, but shall be assessable and taxable under this act on account of producing gross proceeds, then, and in that case, the possession shall be the subject of assessment; and if said lands be sold for taxes levied, the sale for such taxes shall pass the title and right of possession to the purchaser under the laws of Colorado.

If lands sold, title pass to purchaser.

Lands not assessable under section 3, how assessed. Sec. 5. All lands chiefly valuable for such metals or minerals not assessable under the provisions of section 3 of this act shall be assessed and taxed the same as agricultural or grazing lands are assessed and taxed in the county wherein said lands are located, except that in every case the enhanced value of such lands by reason of their containing such metals or minerals shall be taken into consideration by county assessors when assessing the same for revenue.

Owner of contiguous government subdivisions make statement to assessor. Sec. 6. Every person, association or corporation owning or occupying lands assessable and taxable under this act shall, upon application by the assessor of the county in which said lands are situated, in case two or more government subdivisions or other plats owned or occupied by them are contiguous, make statement under oath from what government subdivision or plat said product is obtained. And upon neglect or refusal of such person, association or corporation to comply with the request of the assessor of the county in which said lands are located, then, taxes shall be assessed and levied as provided in section 3 of this act upon the government subdivision or plat upon which is located the mouth of the tunnel or shaft from which said product is obtained,

Upon refusal, how assessed.

and contiguous lands belonging to such person, association or corporation shall be assessed as provided in section 5 of this act.

Sec. 7. All acts and parts of acts in conflict herewith are hereby repealed.

Approved April 8, 1899.

CHAPTER 133.

REVENUE—LIMITING LEVY.

(H. B. No. 505, by Mr. Smith, of Jefferson.)

AN ACT

IN RELATION TO TAXATION; LIMITING THE AMOUNT OF THE TAX LEVIES FOR COUNTY PURPOSES, CLASSIFYING THE COUNTIES FOR THE PURPOSE OF THIS ACT AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. For the purpose of limiting the amount of the tax levies for county purposes, as hereinafter provided, the several counties in this State are hereby classified into ten classes, to be known as the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth classes. Classification
of counties.

Sec. 2. The county of Arapahoe shall belong to and constitute the first class; the counties of Weld, El Paso and Pueblo shall belong to and constitute the second class; the counties of Boulder, Fremont and Las Animas shall belong to and constitute the third class; the counties of Elbert, Hinsdale, and Larimer shall belong to and constitute the fourth class; the counties of Chaffee,

Clear Creek, Douglas, Jefferson, Lincoln, Rio Grande and Saguache shall belong to and constitute the fifth class; the counties of Cheyenne, Delta, Kiowa, Kit Carson, La Plata, Morgan, Otero, and Prowers shall belong to and constitute the sixth class; the counties of Costilla, Conejos, Custer, Dolores, Garfield, Gilpin, Gunnison, Eagle, Huerfano, Logan, Mesa, Montezuma, Montrose, Routt, Rio Blanco, Summit, Teller, Washington and Yuma shall belong to and constitute the seventh class; the counties of Baca, Bent, Lake, Ouray, Park, Pitkin, San Juan, San Miguel and Sedgwick shall belong to and constitute the eighth class; the counties of Archuleta, Grand and Phillips shall belong to and constitute the ninth class; and the county of Mineral shall belong to and constitute the tenth class.

Maximum levy
for different
classes.

Sec. 3. There shall be levied and assessed upon all taxable property, both real and personal, within the several counties of this state the following taxes: For ordinary county revenue, including the support of the poor and for the purpose of raising a fund to meet any unforeseen contingencies, such rate as may be necessary, not to exceed three mills on each dollar of valuation in counties of the first class; not to exceed six mills on each dollar of valuation in counties of the second class; not to exceed seven and one half mills on each dollar of valuation in counties of the third class; not to exceed eight and one half mills on each dollar of valuation in counties of the fourth class; not to exceed ten and one half mills on each dollar of valuation in counties of the fifth class; not to exceed twelve mills on each dollar of valuation in counties of the sixth class; not to exceed fifteen mills on each dollar of valuation in counties of the seventh class; not to exceed sixteen mills on each dollar of valuation in counties of the eighth class; not to exceed twenty mills on each dollar of valuation in counties of the ninth class; not to exceed twenty five mills on each dollar of valuation in counties of the tenth class; Provided, That any county may levy such rate as it may see fit for the erection, maintaining, repairing,

Proviso.

leasing or renting of county buildings, for roads and bridges, bonds and interest thereon, or judgment bonds and interest thereon and for school purposes.

Sec. 4. All acts or parts of acts in conflict with this Repeal. act are hereby repealed, so far as the same conflict with this act.

Sec. 5. Whereas, in the opinion of the general as-Emergency. sembly, an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 8, 1899.

CHAPTER 134.

SALARIES.

(H. B. No. 143, by Mr. Harter.)

AN ACT

TO AMEND SECTIONS 1, 2, 3, 7, 9, 10, 11, 12, 13, 14 AND 17 OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE PAYMENT OF SALARIES TO CERTAIN OFFICERS, TO PROVIDE FOR THE DISPOSITION OF CERTAIN FEES, AND TO REPEAL ALL ACTS INCONSISTENT THEREWITH," APPROVED APRIL 6, 1891, AND TO REPEAL ALL OTHER LAWS IN CONFLICT THEREWITH.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That section 1 of the above entitled act be amended so as to read as follows:

Section 1. For the purpose of providing for and reg-
ulating the compensation of county and other officers,
the several counties of this state shall be classified with
reference to population and divided into five classes, as
follows: Arapahoe county shall be first class; El Paso
and Pueblo counties shall be second class; Boulder, Fre-
Classification of
counties for the
purpose of
providing for
and regulating
compensation of
county and
other officers.

mont, Lake, Pitkin, Las Animas and Weld counties shall be third class; Chaffee, Clear Creek, Conejos, Costilla, Douglas, Eagle, Garfield, Gilpin, Gunnison, Huerfano, Larimer, La Plata, Logan, Mesa, Montrose, Ouray, Park, Prowers, Jefferson, Rio Grande, Saguache, Otero and San Miguel counties shall be fourth class; Archuleta, Baca, Bent, Cheyenne, Custer, Delta, Dolores, Elbert, Grand, Hinsdale, Kiowa, Kit Carson, Lincoln, Montezuma, Mineral, Morgan, Phillips, Rio Blanco, Routt, San Juan, Sedgwick, Summit, Washington and Yuma counties shall be fifth class. The counties of the fourth class shall be divided into two divisions known as "A" and "B." The counties comprising division "A" shall be Clear Creek, Conejos, Garfield, Gilpin, Huerfano, Larimer, La Plata, Mesa, Ouray and San Miguel, and the counties comprising division "B" shall be Costilla, Chaffee, Douglas, Eagle, Gunnison, Logan, Montrose, Jefferson, Park, Prowers, Rio Grande, Otero and Saguache.

Sec. 2. That section 2 of the above entitled act be amended so as to read as follows:

Compensation
of district
attorneys.

Sec. 2. The annual compensation of the district attorneys of the several judicial districts of this state, including salaries paid by the state, is hereby limited and regulated as follows: In every judicial district presided over by more than one district judge, in districts composed of counties of the first class, the district attorney shall receive in full compensation for his services, not to exceed the sum of four thousand six hundred dollars (\$4,600); and in all other judicial districts whether presided over by one or more judges the district attorney shall receive in full compensation for his services, not to exceed the sum of three thousand (\$3,000). Each district attorney shall, at the end of each year of his term of office, render a true and correct itemized statement, under oath, to the secretary of state, which statement shall be filed and preserved in the latter's office, of the fees received by him as district attorney for the preceding year and the surplus received by him, if any, over and above the annual sum herein limited, shall be repaid to the

District attor-
neys file item-
ized statement
of fees with
secretary of
state.

county treasurers of the several counties of his district, each such county to be repaid such proportionate sum of such surplus as the amount each has paid him during such year shall bear to the whole fees collected in the district by him. Surplus to be repaid to county treasurers.

Sec. 3. That section 3 of the above entitled act be amended to read as follows:

Sec. 3. The deputies of district attorneys shall be entitled to such compensation (compensation) for services rendered by them as the board of county commissioners of the county in which the deputies reside, shall direct, not exceeding the sum of twelve hundred dollars (\$1,200) annually to each deputy, payable out of the fees of the office of district attorney: Compensation of deputy district attorneys.

Provided, That in districts of the first class the deputies shall be entitled to such compensation for services rendered by them as the judges of the district court may direct, not exceeding the sum of two thousand dollars (\$2,000) annually to each deputy, payable out of the fees of the office of district attorney. Proviso.

Sec. 4. That section 7 of the above entitled act be amended so as to read as follows:

Sec. 7. Clerks of the district courts shall be paid the following named salaries out of the fees of their respective offices, and not otherwise, to-wit: In counties of the first class, the sum of three thousand dollars (\$3,000) per annum to be paid quarterly. In counties of the second class, the sum of two thousand dollars (\$2,000) per annum, to be paid quarterly. In counties of the third class, the sum of eighteen hundred dollars (\$1,800) per annum. In counties of the fourth class, the sum of fifteen hundred dollars (\$1,500) per annum. In counties of the fifth class, the sum of one thousand dollars (\$1,000) per annum. Compensation of clerks of district courts.

Sec. 5. That section 9 of the above entitled act be amended so as to read as follows:

Sec. 9. The county judges of the several counties of this state shall receive as their only compensation for their services an annual salary to be paid quarterly out Compensation of county judges.

Compensation
of clerks of
county courts.

of the fees and emoluments of their respective offices and out of the fees of the office of clerk of the county court actually collected and not otherwise, including the amount to be paid by the county, to-wit: In counties of the first class, the sum of forty-six hundred dollars (\$4,600). In counties of the second class, the sum of three thousand dollars (\$3,000), and twelve hundred dollars (\$1,200) for clerk hire. In counties of the third class, the sum of three thousand dollars (\$3,000). In division "A" of counties of the fourth class, the sum of two thousand one hundred dollars (\$2,100). In division "B" of counties of the fourth class, the sum of twelve hundred dollars (\$1,200). In counties of the fifth class, the sum of one thousand dollars (\$1,000). In counties of the first class the county judge shall be allowed a further sum of two thousand five hundred dollars per annum for his chief clerk, who shall be the clerk of the county court, and he may also employ such additional clerical assistance as the duties of the clerk of the county court require, the compensation of such assistants to be by him fixed and to be paid out of the fees and emoluments of the county judge and clerk of the county court. In counties of all other classes the compensation of the clerk of the county court shall be a charge upon the county judge and shall be paid out of the salary herein allowed him and not otherwise.

Sec. 6. That section 10 of the above entitled act be amended so as to read as follows:

Compensation
of county treas-
urers.

Sec. 10. The county treasurers of the several counties of this state shall receive as their only compensation for their services an annual salary, to be paid quarterly out of the fees, commissions and emoluments of their respective offices and not otherwise, to-wit: In counties of the first class, the sum of forty-six hundred dollars (\$4,600). In counties of the second class, the sum of three thousand dollars (\$3,000). In counties of the third class the sum of two thousand five hundred dollars (\$2,500). In division "A" of counties of the fourth class, the sum of two thousand one hundred dollars (\$2,100). In division

"B" of counties of the fourth class, the sum of seventeen hundred dollars (\$1,700). In counties of the fifth class, the sum of fifteen hundred dollars (\$1,500).

Sec. 7. That section 11 of the above entitled act be amended so as to read as follows:

Sec. 11. The sheriffs in the several counties of this state shall receive as their only compensation for their services rendered, an annual salary, to be paid quarterly out of the fees, commissions and emoluments of their respective offices and not otherwise, to-wit: In counties of the first class, the sum of forty-six hundred dollars (\$4,600). In counties of the second class, the sum of three thousand dollars (\$3,000). In counties of the third class, the sum of twenty-eight hundred dollars (\$2,800). In division "A" of counties of the fourth class, the sum of twenty-three hundred dollars (\$2,300). In division "B" of counties of the fourth class, the sum of seventeen hundred dollars (\$1,700). In counties of the fifth class, the sum of fifteen hundred dollars (\$1,500). Sheriffs in counties of the first class shall be allowed actual traveling expenses, which shall be payable out of and not exceeding a mileage at the rate of five cents per mile for each mile necessarily and actually traveled in the performance of all official duties in all cases. In counties of all other classes he shall be allowed actual traveling expenses, which shall be paid out of and not exceeding a mileage at the rate of ten cents per mile actually and necessarily traveled in the performance of duty. In counties of the first class, the under sheriffs and the deputy sheriffs appointed by the sheriff shall be paid a salary: The under sheriff the sum of two thousand five hundred (\$2,500) per annum, and each deputy the the sum of twelve hundred dollars (\$1,200) per annum; Provided, however, That bailiffs of county courts, or deputy sheriffs acting in such capacity in counties of the first class, shall receive the same compensation as bailiffs of the districts (district) courts, or deputy sheriffs acting in such capacity in counties of the first class. The number of deputy sheriffs to be appointed by the sheriff shall be regulated and deter-

Compensation of sheriffs.

Traveling expenses of sheriffs.

Compensation of under and deputy sheriffs.

Proviso.

Number of deputy sheriffs.

Under sheriff
and deputy
sheriffs make
written report
of fees to
sheriff.

mined by the board of county commissioners. The under sheriff and each and every deputy shall make to the sheriff a report in writing under oath, of all fees collected of any description whatsoever and of all expenditures and necessary expenses pertaining to and relative to the discharge of the duties of his office.

Sec. 8. That section 12 of the above entitled act be amended so as to read as follows:

Compensation
of county
clerks.

Sec. 12. The county clerks in the several counties in this state shall receive as their only compensation for their services an annual compensation to be paid quarterly out of the fees and emoluments of their respective offices, actually collected and not otherwise, to-wit: In counties of the first class, the sum of forty-six hundred dollars (\$4,600). In counties of the second class, the sum of twenty-seven hundred and fifty dollars (\$2,750). In counties of the third class, the sum of two thousand four hundred dollars (\$2,400). In division "A" of counties of the fourth class, the sum of two thousand one hundred dollars (\$2,100). In division "B" of counties of the fourth class, the sum of seventeen hundred and fifty dollars (\$1,750). In counties of the fifth class, the sum of fifteen hundred dollars (\$1,500).

Sec. 9. That section 13 of the above entitled act be amended so as to read as follows:

Compensation
of county
assessors.

Sec. 13. The county assessors in the several counties in this state shall receive the following compensation to be paid quarterly out of the county treasury, to-wit: In counties of the first class, an annual salary of thirty-six hundred dollars (\$3,600). In counties of the second class, an annual salary of two thousand five hundred dollars (\$2,500). In counties of the third class, an annual salary of eighteen hundred dollars (\$1,800). In counties of the fourth class, division "A", fifteen hundred dollars (\$1,500). In counties of the fourth class, division "B", thirteen hundred dollars (\$1,300). And in counties of the fifth class, eight hundred dollars (\$800).

Sec. 10. That section 14 of the above entitled act be amended so as to read as follows:

Sec. 14. For the purpose of regulating the amount of compensation of county superintendents of schools, the counties of the state are divided into seven classes, as follows: Arapahoe, El Paso and Las Animas shall be first class; Pueblo, Weld, Boulder and Fremont shall be second class; Conejos, Gilpin, Huerfano, Lake, Larimer, Mesa, Montrose and Otero counties shall be third class; Chaffee, Clear Creek, Douglas, Delta, Eagle, Elbert, Garfield, Jefferson, Gunnison, La Plata, Ouray, Rio Grande, Pitkin, Park and Saguache shall be fourth class; Bent, Custer, Cheyenne, Kit Carson, Logan, Montezuma, Prowers, Routt and San Miguel shall be fifth class; Archuleta, Baca, Costilla, Grand, Kiowa, Lincoln, Morgan, Mineral, Phillips, Rio Blanco, Sedgwick, Summit, Washington and Yuma shall be sixth class; Dolores, Hinsdale and San Juan shall be seventh class. County superintendents of schools shall receive the following compensation, to be paid quarterly out of the county treasury, to-wit: In counties of the first class, an annual salary of twenty-eight hundred dollars (\$2,800); in counties of the second class an annual salary of two thousand dollars (\$2,000); in counties of the third class, an annual salary of twelve hundred dollars (\$1,200); in counties of the fourth class, an annual salary of eleven hundred dollars (\$1,100); in counties of the fifth class, an annual salary of eight hundred dollars (\$800); in counties of the sixth class, an annual salary of five hundred dollars (\$500); in counties of the seventh class, an annual salary of one hundred dollars (\$100). In all but first and second class counties, boards of county commissioners may allow mileage, not to exceed ten cents per mile for distance necessarily and actually travelled in the performance of duty, not to exceed an aggregate of three hundred dollars per annum in any county.

Compensation
of county
superintendents
of schools.

Mileage.

Sec. 11. That said section 17 shall be amended so as to read as follows:

Sec. 17. Deputies and assistants may be employed by the sheriffs, county clerks, county treasurers, county assessors and county superintendents of schools, under

Deputies, assistants and clerks,
how employed.

How paid.

Compensation,
how fixed.

Selection, how
made.

Proviso.

Repeal.

the direction of the board of county commissioners for said counties respectively, and clerks of the district court under direction of the judge of such court, and shall be paid salaries out of the fees, commissions and emoluments of the office wherein employed (except employes of county assessor and of county superintendent, who shall be paid out of the county treasury), the compensation and time of service to be fixed by the board, the selection of said deputies and employes to be made by the officer authorized to employ them; Provided, That the provisions of this section relating to the county superintendents of schools shall apply only in counties of the first class.

Sec. 12. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved April 11, 1899.

CHAPTER 135.

SCHOOLS.

(H. B. No. 510, by Mr. Smith, of Jefferson.)

AN ACT

TO AMEND SECTIONS THREE (3) AND FOUR (4) OF AN ACT ENTITLED "AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE SCHOOLS," APPROVED MARCH 20TH, 1877.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That section three (3) of an act entitled "An Act to Establish and Maintain a system of Free Schools," Approved March 20th, 1877, be amended to read as follows:

Board of educa-
tion grant state
diplomas.

"Sec. 3. The State Board of Education is hereby authorized to grant state diplomas to such teachers as may be found to possess the requisite scholarship and

culture, and who may also exhibit satisfactory evidence of an exceptional moral character and whose eminent professional ability has been established by not less than two years' successful teaching in the public schools of this State. Such diplomas shall supercede [supersede] the necessity of any and all other examinations of persons holding the same, by County, City, town or local examiners, and shall be valid in any county, City, town or district in the State, for the grade of work indicated, unless revoked by the State Board of Education."

Diplomas super-
sede examina-
tions.

Revoke.

Sec. 2. That section four (4) of said act be amended so as to read as follows:

"Sec. 4. State diplomas, which may be of different classes, not to exceed three in number, shall be granted upon public examination, of which due notice shall be given, in such branches and upon such terms and by such state board of examiners as the Superintendent of Public Instruction, the President of the State University, the President of the State Agricultural College, the President of the State School of Mines and the President of the State Normal School may appoint; Provided, that the State Superintendent of Public Instruction shall be a member of said board and the presiding officer thereof. The State Board of Education may also, upon the recommendation of the State Board of Examiners, grant state diplomas without examination, to persons who, in addition to good moral character and scholarly attainments, have rendered eminent services in the educational work of the State for a period of not less than six years. Such diplomas may be of different classes, not to exceed three in number, as may be prescribed by the State Board of Examiners."

State board of
examiners
grant diplomas
upon examina-
tion.

Proviso.

Board of educa-
tion grant di-
plomas without
examination.

Approved April 29, 1899.

CHAPTER 136.

SCHOOLS—COMPULSORY EDUCATION.

(S. B. No. 272, by Senator Stewart.)

AN ACT

TO COMPEL THE ELEMENTARY EDUCATION OF CHILDREN IN
SCHOOL DISTRICTS OF THE FIRST AND SECOND CLASS.*Be it Enacted by the General Assembly of the State of Colorado :*Children shall
be instructed.Shall attend
school not less
than twenty
weeks each
school year.

Proviso.

If county super-
intendent per-
mit, child may
be instructed
at home.May appeal
from decision of
superintendent.

Section 1. That in districts of the first and second class in this state, all parents, guardians and other persons having care of children shall instruct them or cause them to be instructed in reading, spelling, writing, English grammar, geography and arithmetic. In such districts every parent, guardian or other person having charge of any child between the ages of 8 and 14 years, shall send such child to a public, private or parochial school for the following period: In each school year beginning in September, not less than 20 weeks, at least 10 weeks of which, commencing within the first four weeks of the school year, shall be consecutive; Provided, however, That if two reputable physicians within the district shall certify in writing that the child's bodily or mental condition does not permit of its attendance at school, such child shall be exempted during such period of disability from the requirements of this act; and, Provided, further, That if, in the opinion of the county superintendent of schools, the child is being instructed at home by a person qualified, such a child shall not be required to attend as herein provided. An appeal may be taken from the decision of such superintendent to the county court of the county in which such district lies, upon giving bond within 10 days after

such refusal, to the approval of the judge of said court, conditioned to pay all costs of appeal, and the decision of the county court shall be final. All children between the ages of 8 and 14 years shall attend school for the full term in the schools in the district in which they reside, unless excused for the reasons above named.

Sec. 2. No child under the age of 14 years shall be employed by any person, persons, company or corporations during the school term and while the public schools are in session, unless the parent, guardian or person in charge of such child shall have fully complied with section one of this act. Every such employer shall require proof of such compliance, and shall make and keep a written record of the proof given, which shall be subject to the inspection of the truant officer, superintendent of schools, or any school director of the district. Any employer employing any child contrary to the provisions of this section, shall be fined not less than twenty-five nor more than one hundred dollars.

No child under fourteen be employed, unless.

Employer keep record for inspection.

Penalty for violation.

Sec. 3. All minors over the age of 14 years and under the age of 16 years who can not read and write the English language, shall attend school at least one-half day of each day, or attend a public night school, or take regular private instruction from some person qualified, in the opinion of the county superintendent of schools, in which such district or the greater portion of the same lies, until such minor obtains a certificate from such superintendent that he or she can read at sight and write legibly, simple sentences in English. Every employer employing or having in employment any such minor shall exact as a condition of employment the school attendance or instruction required by this section, and shall on request of the truant officer, furnish the evidence that such minor is complying with the requirements of this section. Every employer failing to comply with the requirements of this section as to any minor employed by him or in his employ, shall be fined not less than twenty-five dollars, and not more than one hundred dollars; Provided, That any employer with

Minors between fourteen and sixteen, when attend school.

Employer of such minors furnish evidence of compliance with law.

Penalty for violation.

Proviso.

the approval or consent of the county superintendent of schools may make provision for the private instruction of minors in his employ.

Habitual truant
deemed juvenile
disorderly
person.

Sec. 4. Every child between the ages of 8 and 14 years, and every child between the ages of 14 and 16 years, who can not read and write the English language or not engaged in some regular employment, who is an habitual truant from school, who absents itself habitually from school, or who is in attendance at any public, private or parochial school and is incorrigible, vicious or immoral in conduct, or who habitually wanders about the streets and public places during school hours, having no business or lawful occupation, shall be deemed a juvenile disorderly person, and be subject to the provisions of this act.

Board of school
directors
appoint truant
officer.

Compensation.

Powers, author-
ity and duties
of truant
officer.

Truant officer
keep record for
inspection.

Sec. 5. To aid in the enforcement of this act, the board of school directors in districts of the first and second class shall have power, and [and] it shall be their duty, to appoint one or more truant officers whose compensation shall be fixed by the board appointing him. The truant officer shall be vested with police powers, and shall have authority to enter workshops, factories, stores and all other places where children may be employed, in the way of investigation or otherwise, to enforce this act. The truant officer shall institute proceedings against any officer, parent, guardian, person or corporation who shall violate any of the provisions of this act, and shall otherwise discharge the provisions of this act and perform such other services as the county superintendent of schools or the board of directors of the school district may deem necessary to preserve the morals and secure the good conduct of school children, and to enforce this act. The truant officer shall keep a record of his transactions for the inspection of the county superintendent of schools and of the directors of the school district, and suitable blanks shall be provided for his use by the secretary of the school district.

Sec. 6. The truant officer shall examine into any case of truancy within his district, and shall warn the parent, guardian, or others in charge of the child of the final consequence of truancy if persisted in. When any child between the ages of eight and fourteen years, or any child between the ages of fourteen or sixteen years, who can not read and write the English language, or is not engaged in some regular employment, or any child between the age of fourteen years and sixteen years who has been discharged from employment to obtain instruction or schooling, is not attending school without lawful excuse and in violation of the provisions of this act, the truant officer shall notify the parent, guardian, or other person in charge, of the fact, and require such person to cause the child to attend some recognized school within five days from the date of the notice, and it shall be the duty of such person so to cause its attendance at some recognized school. Upon failure to do so, the truant officer shall make complaint in the county court of the county in which such child lives, against the parent, guardian or other person having such child in charge, and upon conviction, the parent, guardian or other person in charge, shall be fined not less than five dollars nor more than twenty dollars, or the court may, in its discretion, require the person so convicted to give a bond in the penal sum of \$100, with sureties to the approval of the judge of such court, conditioned that he or she will cause the child under his or her care to attend some recognized school within five days thereafter, and to remain at school during the term prescribed at law. And upon the failure or refusal of the parent, guardian or other person to pay such fine or furnish such bond according to the order of the court, the said parent, guardian or other person shall be imprisoned in the county jail not less than ten days nor more than thirty days. For violation of the bond, suit may be brought in any court of competent jurisdiction, in the name of the school district, and the amount recovered shall go to the school fund of the district. If the parent, guard-

Truant officer
warn guardian
of truancy.

Upon failure of
guardian to
compel attend-
ance at school,
truant officer
make complaint
in county court

Penalty for
violation.

ian or other person shall prove his inability to cause the child to attend a recognized school, it shall be a defense, but the child shall be deemed a juvenile disorderly person within the meaning of section 4 of this act.

Truant officer
make complaint
of juvenile dis-
orderly person
to county court.

Sec. 7. Whenever a child shall be a juvenile disorderly person within the meaning of this act, it shall be the duty of the truant officer to make complaint in the county court of the county in which such child resides. The county court shall hear and determine such complaint, and if it is determined that such child is a juvenile disorderly within the meaning of this act, he or she shall be committed to a children's home if eligible, or to the boys' industrial school or the girls' industrial school, or to some other juvenile reformatory, taking into account the years of the child with reference to the institution selected. Any child committed to a children's home on its being shown to the judge of said court that it is incorrigible and vicious, may be transferred to the industrial school or other reformatory. No child committed to any reformatory shall be detained beyond the age of 16 years, and may be discharged sooner by the trustees under rules and restrictions applicable to other inmates. Any order of commitment may be suspended by the judge of the county court during such time as the child may regularly attend school and properly conduct itself. The expense of the transportation of the child to the juvenile reformatory, and of the costs of the case in which the order of commitment is made, shall be paid by the county from which the child is committed.

Juvenile disorderly, how
committed.

Order of com-
mitment may
be suspended.

Expense of
commitment
paid by.

Truant officer
report child
working for
support to char-
ity authorities.

Provisc.

Sec. 8. When any truant officer is satisfied that any child within the requirements of this act is unable to attend school because required to work at home or elsewhere in order to support itself or help or support others legally entitled to its services, the truant officer shall report the case to the authorities charged with the relief of the poor, who shall thereupon afford such relief as will enable the child to attend school; Provided, That such child shall not be required to attend more than three hours a day during school days. In case the child or its

parents or guardians neglect or refuse to take advantage of such provision made for its instruction, such child may be committed to a children's home or juvenile reformatory, as hereinbefore provided.

Sec. 9. Any person who violates any provision of this act, for which a penalty is not herein provided, shall be fined not more than fifty dollars. Fine when penalty not provided for.

Sec. 10. Every person who, after having been convicted once of violating any of the provisions of this act, shall be convicted a second time of a similar offense, may, in addition to the punishment by way of fine elsewhere provided for, be imprisoned not less than 10 days nor more than 30 days; Penalty for second violation.

Provided, That in all cases arising under this act in which a fine or imprisonment may be a part of the judgment, trial shall be by a jury if not waived. Provided.

Sec. 11. This shall not apply to school districts in which there are not sufficient accommodations in the public schools to seat children compelled to attend under the provisions of this act. Not apply when accommodations are insufficient.

Approved April 12, 1899.

CHAPTER 137.

SOLDIERS' AND SAILORS' HOME.

(H. B. No. 284, by Mr. Browning.)

AN ACT

TO AMEND SECTIONS 1, 4, 9 AND 13 OF "AN ACT TO PROVIDE FOR THE GOVERNMENT OF THE SOLDIERS' AND SAILORS' HOME, ETC (ETC).," APPROVED APRIL 10, 1895.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That section 1 of an act, entitled "An act to provide for the government of the Soldiers' and Sailors' Home, and to make an appropriation therefor. and to repeal an act to establish the Soldiers' and Sailors' Home, approved March 15, 1889, the same being sections 4103, 4104, 4105, 4106, 4107 and 4108 of Mills' Annotated Statutes;" and a bill for an act to amend an act entitled "An act to establish the Soldiers' and Sailors' Home, approved March 15, 1889, approved April 12, 1893; and all acts and parts of acts in conflict herewith," approved April 10, 1895. is hereby amended so as to read as follows:

Government
vested in com-
mission of three
appointed by
governor.

Commander
Grand Army ex
officio member.

Section 1. The government of the Soldiers' and Sailors' Home shall be vested in a commission of three persons, citizens of the State, to be appointed by the Governor, with the consent of the senate. The commander of the Grand Army of the Republic of Colorado and Wyoming, when a citizen of this State and a resident therein, shall be ex-officio a member of such board of commissioners, and the Governor, by the secretary of state, shall issue his commission as such upon receipt of a certificate of election as such department commander. The members of said commission shall be hon-

orably discharged soldiers, sailors or marines, who shall have sole care, control and direction of the affairs of the Soldiers' and Sailors' Home, and be accountable directly to the Governor. Commission composed of.

Sec. 2. That section 4 of said act be, and the same is hereby amended to read as follows:

• Sec. 4. The Soldiers and Sailors Home shall be maintained for the care and treatment of honorably discharged soldiers, sailors and marines who served in the Union armies between the 12th day of April, 1861, and the 9th day of April, 1865, or those who have served in the regular or volunteer army or navy in the war with Spain, who have been bona fide residents of this state for at least one year next preceding their application for admission to said home; Provided, such year of prior residence in the state shall not be necessary where the applicant was a member of a Colorado regiment of troops serving in said Union armies between the dates herein named. Proviso.

Sec. 3. That section 9 of said act be, and the same is hereby amended so as to read as follows:

Sec. 9. All purchases of supplies for said home shall be by contract, entered into after due advertisement for at least four weeks in a paper published nearest the home, and for ten days in at least one daily paper published at the state capital; said publication to be made at least thirty days before the time for letting said contracts, and shall contain an estimate of all supplies needed for said home for the period of six months; the contract for furnishing said supplies shall be let to the lowest responsible bidder, all bids being filed in duplicate; one copy of the advertisement made of all bids furnished, and the accepted bid, shall be filed with the state auditor, and one entered in full in the records of the home. When semi-annual estimates prove insufficient, the board of commissioners shall cause to be purchased, by contract, as above provided, or in open market, all such supplies as may be necessary to make up the deficiency. Supplies purchased by contract every six months. If estimate insufficient.

Sec. 4. That section 13 of said act be, and the same is hereby amended so as to read as follows:

Commissioners
keep set of
books, open to
inspection of.

Sec. 13. It shall be the duty of the commissioners to keep a set of books at the home, with a full and accurate account of all purchases and expenditures for the home, and a full record of the business of the commissioners, which books and records, as well as the home, shall at all times be open to the board of managers of the National Home for Disabled Volunteer Soldiers.

Emergency.

Sec. 5. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 5, 1899.

CHAPTER 138.

STATE ENGINEER.

(S. B. No. 208, by Senator Ammons.)

AN ACT

TO PROVIDE FOR FEES IN THE OFFICE OF THE STATE ENGINEER, AND TO PROVIDE FOR THE DISPOSITION OF SUCH FEES.

Be it Enacted by the General Assembly of the State of Colorado:

Collection of
fees.

Section 1. Hereafter fees shall be collected by the State Engineer as follows: For examination and filing of plats and statements of water rights, \$1.00; For copies of records, Per folio, 10 cents; For copies of plats, an amount sufficient to cover cost of making the same, For certificates,\$1.00; For examination of plans and specifications for reservoirs, dams, embankments, or other structures, \$1.00 for each \$5,000. or fraction thereof of the estimated cost thereof.

Sec. 2. The fees so collected shall be deposited with the State Treasurer to the credit of the gauging fund, and shall be available for the salary and expenses of gauging streams and for making seepage measurements and shall be paid by warrants issued by the Auditor of State upon vouchers approved by the State Engineer. ^{Disposition of fees.}

Sec. 3. In the opinion of the General Assembly an emergency exists; therefore, this Act shall be in force and take effect from and after its passage. ^{Emergency.}

Approved April 6, 1899.

CHAPTER 139.

STATE FLOWER.

(S. B. No. 281, by Senator Ammons.)

AN ACT

IN RELATION TO THE STATE FLOWER.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. The white and lavender columbine is hereby made and declared to be the state flower of the State of Colorado. ^{Columbine.}

Sec. 2. Whereas, in the opinion of the General Assembly an emergency exists; therefore, this act shall be in force from and after its passage. ^{Emergency.}

Approved April 4, 1899.

CHAPTER 140.

STATE RESERVOIRS.

(S. B. No. 106, by Senator Ehrhart.)

AN ACT

TO PROVIDE FOR THE LEASING AND DISTRIBUTING OF THE
WATERS STORED OR TO BE STORED IN STATE RESER-
VOIRS.

Be it Enacted by the General Assembly of the State of Colorado :

County commis-
sioners have
charge of water
in reservoir.

Section 1. The board of county commissioners of any county wherein is situated any state reservoir, shall have charge and control of such reservoir and shall, without expense to the State of Colorado, maintain and keep said reservoir in good condition and provide for the storage of water as contemplated in the act providing for the construction of said reservoir, and also for the distribution of said water under the direction of the water commissioner for the district in which said reservoir is situated, at such times as the scarcity of water in the stream which such reservoir is intended to reinforce demands that the water in said stream should be replenished for the purpose of irrigating the lands under ditches now or hereafter to be constructed; Provided, That said waters shall be distributed by said water commissioner pro rata without reference to priority of water rights and without expense to consumers thereof; and Provided also, That the counties in which said reservoirs are situated assume and shall be held responsible for any damages resulting from breakage of the dams or water discharges therefrom; and provided further, That the provisions of this act shall not apply to any state reservoir constructed primarily for the purpose of ir-

Proviso.

rigating state lands, but and such reservoir shall remain in the control of the state board of land commissioners.

Sec. 2. In the opinion of the General Assembly an Emergency. emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 7, 1899.

CHAPTER 141.

STATE INDUSTRIAL SCHOOL FOR GIRLS.

(S. B. No. 269, by Senator Philp.)

AN ACT

TO PROVIDE FOR THE SAFE KEEPING, CARE, MAINTENANCE AND INSTRUCTION OF GIRLS COMMITTED TO THE STATE INDUSTRIAL SCHOOL FOR GIRLS, AND TO REPEAL ALL ACTS OR PARTS OF ACTS IN CONFLICT THEREWITH.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That county from which any girl com-County liable. mitted to the State Industrial School for Girls shall be sent, shall be liable for the expense attending the safe keeping, care, maintenance and instruction of such girl, and shall pay for the same the sum of fifty cents per day for each girl so sent. At its first meeting in every month the Board of Control for such State Industrial School shall prepare and transmit to the respective Boards of Board of con- County Commissioners of the several counties liable for trol transmit statement to county. such safe keeping, care, maintenance and instruction, a certificate showing in detail the persons on whose account such expense was incurred, the amount due on

account of each such person respectively for the month preceding, and the said Board of Commissioners shall allow the said sum so certified against their respective counties and shall pay the same to the State Industrial School for Girls the same as any other current expenses of said county are paid.

Repeal.

Sec. 2. That all Acts and parts of Acts in conflict with the provisions of this Act be and the same are hereby repealed.

Emergency.

Sec. 3. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved April 10, 1899.

CHAPTER 142.

STOCK BRANDS AND MARKS.

(H. B. No. 95, by Mr. Turney.)

AN ACT

TO PROVIDE FOR THE BRANDING AND MARKING OF LIVE STOCK, FOR TAXING BRANDS AND MARKS AND FOR THE RECORDING OF BRANDS AND MARKS, TO PREVENT THE DEFACING OF BRANDS OR MARKS, TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF, AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado :

Animals
brought into
state.

Section 1. Animals may be branded with the owner's brand. When animals are brought into this state from another state or territory in transit beyond the boundaries [boundaries] of this state, the brand, or a copy thereof, duly certified to by the proper officer in such other state or territory, shall be received in evidence

with like force and effect as a brand duly recorded in this state.

Sec. 2. No brand shall be used by more than one person, association or corporation, nor shall any brand be recorded in this state, elsewhere than in the state brand book in the office of the secretary of state.

Sec. 3. Immediately upon the passage of this act it shall be the duty of the secretary of state to open a new book, to be known as the state brand book, in which shall be recorded all brands to be used in the branding of animals in this state, as hereinafter provided.

Secretary of state shall open book.

Sec. 4. On or before the first day of January, A. D. 1900, every person, association or corporation, now using any brand in this state shall be forwarded to the secretary of state a fac simile of such brand, accompanied by his sworn statement that such brand is his, her or its brand, and that the same [same] is duly recorded in the state brand book in existence and in use at the time of the passage of this act. Upon receipt by the secretary of state of such sworn statement, the secretary of state shall, upon the payment to him of a fee of one dollar, record the same in a new book known as the state brand book, provided for in section 3 hereof.

Owner shall forward fac simile.

Secretary shall record.

Sec. 5. On and after the passage of this act any person, association or corporation desiring to adopt any brand not then and there being the record brand of any other person, association or corporation, shall forward to the secretary of state a fac simile of such personal brand, together with a statement, duly acknowledged before a notary public, of his desire to adopt such brand, and shall accompany the same with a fee of one dollar. Upon the receipt of such fac simile and fee, the secretary of state shall record the same in the state brand book, unless as in this section above provided, such brand stands of record in the old or new state brand book as that of some other person, association or corporation, not forfeited as hereinafter provided, in which case the secretary of state shall not record the same, but shall return such fac simile and fee to the party sending the same.

How brand may be procured.

Secretary shall
not record.

Sec. 6. The secretary of state shall not receive nor record any brand made by the connecting of any letter, figure, sign or character to any brand heretofore recorded, but after the first day of January, A. D. 1900, any one may adopt any brand in the state brand book in existence and in use at the time of the passage of this act, which has not been entered in the new state brand book, as hereinafter provided, unless the same has been forfeited as hereinafter provided.

Secretary fur-
nish certified
copy.

Sec. 7. Upon the recording of any brand as provided in sections 5 and 6 of this act, the owner thereof may procure from the secretary of state a certified copy of the record of such brand by paying therefor the sum of fifty cents.

Unlawful for
county clerks
to record.

Sec. 8. From and after the first day of July, after the passage and approval of this act, it shall be unlawful for any clerk of any county in this state to record any brand.

Secretary
publish state
brand book.

Sec. 9. It shall be the duty of the secretary of state within thirty days after the first day of July, A. D. 1900, and for one year thereafter, to publish the state brand book, not exceeding five hundred copies, in which shall be set forth a fac simile or copy of all brands recorded and in force in his office on the first day of said month, together with the owner's name, and the county in which such owner resided. Such names and brands shall be arranged in the most convenient form for reference, and may be in form following, to-wit: Date. Name. Residence. Description of Brand.

Book published
annually.

Such book shall be bound with a good and substantial binding. Copies of such book shall be published within sixty days after the first said, first day of January, A. D. 1900, and one revised copy annually thereafter in September of each year shall be forwarded to the county clerk of each county, free of charge, in whose office it shall be kept open for the inspection of all persons interested. The secretary of state is authorized to publish an additional number of such brand books in addition to the number required for the counties under the pro-

May publish
extra copies.

visions of this section, and to sell the same for such price as he may consider reasonable, not exceeding two dollars per copy; Provided, That the cost of such additional publication shall not exceed annually the sum of \$750.00 dollars.

Sec. 10. Any brand recorded in compliance with the requirements of this state shall be the property of the person, association or corporation causing such record to be made, and shall be subject to sale, assignment, transfer, devise and descent as personal property. Instruments of writing evidencing such sale, assignment or transfer of brand shall be acknowledged before a notary public and shall be recorded by the secretary of state in the state brand book. The acknowledging and recording of such instruments of writing in the state brand book shall have the same force and effect as to third parties as the recording of instruments affecting real estate, and the acknowledgment of the same shall have the same force and effect as the acknowledgment of deeds to real estate, and a certified copy of the record of any such instrument in the state brand book may be introduced in evidence the same as is now provided for the certified copies of instruments affecting real estate.

Assignment or
sale of brand
acknowledged
by notary.

Force.

Certified copy.

Sec. 11. In all suits at law, or in equity, or in any criminal proceeding when the title to animals is involved or proper to be proved, the certified copy provided for in the foregoing section shall be prima facie evidence of the ownership of such animal by the person whose brand it may be. Proof of the right of any person, association or corporation to use such brand shall be made by a copy of the record of the same, certified to by the secretary of state.

Certified copy
evidence.

Sec. 12. If any person, association or corporation shall wilfully and knowingly brand, or cause to be branded with his, their or its brand, or any other brand not the recorded brand of the owner, on an animal being the property of another, or shall wilfully and knowingly efface, deface or obliterate any brand or mark upon any animal, any such person so offending shall be deemed

Penalty.

guilty of larceny, and, on conviction thereof, shall be confined in the penitentiary not less than one year nor more than five years, as the court may direct.

Annual tax.

Sec. 13. That from and after the passage of this act, every person, association or corporation, using any brand, brands or stock marks, in this state, for the purpose of branding or marking horses, cattle or other stock, which are now of record in the state brand book, or which may hereafter be recorded in said state brand book, shall pay to the secretary of state on or before the first day of July, A. D. 1899, the sum of fifty cents, and for the next year thereafter and no longer, fifty cents.

Secretary shall
notify owners.

Sec. 14. It shall be the duty of the secretary of state on or before the first day of May after the passage of this act, for the period of two years and no longer, to notify by letter, addressed to the address of the party as shown by brand book, each and every person, association or corporation claiming any brand, brands or stock marks of record in his office that said brand fee hereinbefore provided is payable on or before the first day of July; and that for the services of so notifying such person, association or corporation, and the collection of said special tax as aforesaid, the said secretary of state shall receive a fee of ten per cent. thereon.

Forfeited right to
use brand.

Sec. 15. Any person, association or corporation, who has heretofore, or may hereafter, file and cause to be recorded in said state brand book any brand, brands or stock marks, under and by virtue of the provisions of the law, who shall fail to pay said brand fee of fifty cents, on or before the first day of July, A. D. 1899, and the sum of fifty cents for the ensuing year, as herein provided for, shall forfeit the right or privilege to use said brand, brands or stock marks, and shall forfeit all right, title and interest in and to the same except as otherwise herein provided.

Penalty for fail-
ure to pay tax.

Sec. 16. On or before the first day of July, after the passage of this act, and on or before the first day of July of the following year, and no longer, there shall be paid or caused to be paid by the owner of each brand into the

office of the secretary of state for each brand, a fee for the first year of fifty cents, and for the second year fifty cents, and failure to pay such fee on or before the first day of July of either of said years, if the same be persisted in for a period of thirty days after notice of such failure has been mailed to the record residents [residence] of such owner, as provided in section 14 hereof, which notice it shall be the duty of the secretary of state to mail on or before the first day of August of each year, shall work a forfeiture of the right of ownership of such person, association or corporation to such brand, which, after the lapse of thirty days from the mailing of such notice, shall be subject to adoption by any person who shall first comply with the provisions of this act.

Sec. 17. The fund accruing in the hands of the secretary of state, less the fees and costs by virtue of the foregoing sections, shall be devoted to the printing and publishing of the state brand book, and authorized copies thereof, as herein provided. The residue of such fund shall constitute a standing fund out of which bounties shall be paid in accordance with law for the destruction of wolves, coyotes and mountain lions in this state, and the same shall annually and not later than the first Tuesday of December of each year be turned over by the secretary of state to the treasurer of the state as a special deposit and accretion to the bounty fund for this purpose. Disposition of fund.

Sec. 18. Any owner of sheep may use an ear mark or tag to designate ownership of, and title to, sheep solely, which shall be subject to the provisions of this act in respect to brands. Owners of sheep subject to same provisions.

Sec. 19. Owners of animals other than sheep in this state may use ear marks, and the same may be taken in evidence in connection with the owner's recorded brand in all suits at law or in equity, or in any criminal proceeding when the title of such animals is involved or proper to be proved. May use ear marks.

Sec. 20. All acts or parts of acts in conflict with this act are hereby repealed. It is the opinion of the general Repeal.

Emergency.

assembly that an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 6, 1899.

CHAPTER 143.

SUPERINTENDENT OF INSURANCE—FUNDS COLLECTED BY.

(S. B. No. 507, by Senator Taylor.)

AN ACT

IN RELATION TO THE FUNDS COLLECTED THROUGH THE OFFICE OF THE STATE SUPERINTENDENT OF INSURANCE.

Be it Enacted by the General Assembly of the State of Colorado :

Superintendent
of insurance
make monthly
return to treasurer.

Section 1. The superintendent of insurance shall at least once in every thirty days, turn over to the state treasurer all moneys collected in the insurance department of the state of Colorado, and the said treasurer shall forthwith apply all of said funds, excepting such part thereof as may be necessary for the expenses of said insurance department, to the general fund, to be thereupon and immediately used for the redemption of outstanding warrants and such other purposes as such general fund is applied.

Credit general
fund.

Emergency.

Sec. 2. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 6, 1899.

CHAPTER 144.

TELLER COUNTY.

(S. B. No. 52, by Senator Ammons.)

AN ACT

TO ESTABLISH THE COUNTY OF TELLER AND THE TEMPORARY COUNTY SEAT THEREOF; PROVIDING FOR THE APPOINTMENT OF ITS PRECINCT AND COUNTY OFFICERS, FIXING THE TERMS OF COURT THEREIN, AND ATTACHING THE SAME TO CERTAIN CONGRESSIONAL, SENATORIAL, REPRESENTATIVE, JUDICIAL AND NORMAL DISTRICTS.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That so much of the counties of El Paso Establishment and Fremont as is included within the following de-Teller county. scribed boundaries shall be set apart and is hereby established as a county to be called the County of Teller, and the boundaries are as follows, to-wit:

Beginning at the northeast corner of Fremont Boundary lines. county at the intersection of the line between ranges sixty-seven (67) and sixty-eight (68) west of the sixth principal meridian, with the line between townships fifteen (15) and sixteen (16) south; thence north on the line between ranges sixty-seven (67) and sixty-eight (68), seven (7) miles, more or less, to the corner common to sections thirty (30) and thirty-one (31), township fourteen (14) south, range sixty-seven (67) west, and sections twenty-five (25) and thirty-six (36), township fourteen (14) south of range sixty-eight (68) west; thence westerly along section lines seven (7) miles, more or less, to the corner common to sections twenty-five (25), twenty-six (26), thirty-five (35) and thirty-six (36), in township fourteen (14) south, range sixty-nine (69) west; thence north

on section lines, five (5) miles, more or less, to the corner common to sections one (1) and two (2), township fourteen (14) south, range sixty-nine (69) west, and sections thirty-five (35) and thirty-six (36), township thirteen (13) south, range sixty-nine (69) west; thence east two (2) miles along township line to corner common to sections five (5) and six (6), township fourteen (14) south, range sixty-eight (68) west, and sections thirty-one (31) and thirty-two (32), township thirteen (13) south, range sixty-eight (68) west; thence north along section lines eighteen (18) miles, more or less, to the north section corner common to sections five (5) and six (6), township eleven (11) south, range sixty-eight (68) west; thence west along the south boundary line of Douglas county sixteen (16) miles, more or less, to the northwest corner of section three (3), township eleven (11) south, range seventy-one (71) west, being a point in the easterly boundary line of the County of Park; thence south along the easterly boundary line of Park county thirty (30) miles, more or less, to the line between townships fifteen (15) and sixteen (16) south, being a point on the north boundary line of the county of Fremont; thence east along the north boundary line of Fremont County five (5) miles, more or less, to the northeast corner of section five (5), township sixteen (16) south, range seventy (70) west; thence south along section lines three (3) miles, more or less, to the corner common to sections sixteen (16) and seventeen (17), twenty (20) and twenty-one (21) of township sixteen (16) south of range seventy (70) west; thence east along section lines, sixteen (16) miles, more or less, to line between ranges sixty-seven (67) and sixty-eight (68) west; thence north on said range line, three (3) miles, more or less, to the place of beginning.

County seat.

Sec. 2. The county seat of said county is hereby established temporarily at the City of Cripple Creek where it shall remain until the permanent county seat shall have been selected and established as provided by law.

County and precinct officers.

Sec. 3. All county and precinct officers who reside in that part of the counties of El Paso and Fremont

Governor appoint.

**Terms of dis-
trict court.**

Jurisdiction of court.

**Terms of
county court.**

respectively, on the first Monday in the months of January, March, May, July, September and November.

Pro rata of
county indebtedness.

Sec. 7. The present indebtedness of each of the counties of El Paso and Fremont shall be apportioned between the counties of El Paso and Fremont, respectively, and the county of Teller in proportion to the ratio of taxable property included in that part of said counties of El Paso and Fremont, respectively, that is now included in the boundaries of the county of Teller, to the taxable property of said counties of El Paso and Fremont, respectively, as shown by the assessment rolls for the year 1898.

Disposition of
school fund.

Sec. 8. The county treasurers of the counties of El Paso and Fremont shall, as soon as the said county of Teller shall be organized, pay over to the county treasurer of said county of Teller all moneys and funds in their hands credited to the different school districts included within the boundaries of the said county of Teller for the use and benefit of said school districts.

Apportionment
of tax receipts.

Sec. 9. All moneys now in the treasuries of the counties of El Paso and Fremont, and all moneys that may hereafter come into the treasuries of said counties, from the taxes for the year 1898, and previous years, together with all moneys arising from the redemption of lands sold for taxes for the year 1898, and previous years, and bid in by said counties of El Paso and Fremont, and from all other sources of revenue, shall be apportioned between the counties of El Paso and Fremont, respectively, and the said county of Teller in proportion to the ratio which the taxable property of that portion of the counties of El Paso and Fremont, respectively, that is now included within the boundaries of the county of Teller, bears to the taxable property of said counties of El Paso and Fremont, respectively, as shown by the assessment rolls for the year 1898.

Commissioners
adjust matters
of revenue.

Sec. 10. The Board of County Commissioners of the county of Teller, in connection with the respective Boards of County Commissioners of the counties of El

Paso and Fremont, shall have full power and authority to adjust and settle all matters of revenue proper to be adjusted on account of the formation of the new county of Teller; and also to apportion the indebtedness and the money and revenue of said counties of El Paso and Fremont, as specified in sections 7, 8, and 9 of this act; and for these purposes the said commissioners of the county of Teller shall meet the commissioners of the county of El Paso at Colorado Springs, State of Colorado, and the commissioners of the county of Fremont at Canon City, State of Colorado, upon ten (10) days notice being given by the commissioners of one county to the commissioners of the other county at any time after the officers of the county of Teller shall have been appointed and qualified; and a majority of said united boards of commissioners shall be a legal quorum to adjust said revenue and indebtedness. From the decisions and adjustments so made by the said board or boards of commissioners, any county interested, or any person aggrieved, may appeal to the District court of the judicial district in which the county in which such adjustment is being made is situated, as in other cases of appeal allowed from the Board of County Commissioners to the District court; and upon such appeal, a change of venue may be taken as in other civil cases, upon good cause shown by either party to such proceedings. In case there should be no quorum present at any such meeting between the commissioners of the county of Teller and the commissioners of El Paso County or the commissioners of Fremont county, or in case said commissioners of either of said counties fail to agree with the commissioners of the county of Teller on the adjustments of the revenue and the apportionment thereof and the apportionment of the indebtedness, then at the request of either of the boards of county commissioners, the Governor of the State is hereby authorized and required to appoint some disinterested person to adjust and settle said matter of revenue and funds. From the decisions and adjustments so made by said commissioner

Apportion
indebtedness.

Commissioners
meet.

Notification.

Majority con-
stitute quorum.

Appeal.

Change of
venue.

Governor
appointed
arbitrator, when.

Division of
expense.

appointed by the Governor, an appeal may be had, as above provided with reference to appeals from the decisions and adjustments made by the boards of county commissioners. The expense of said arbitration, if any, shall be divided between the counties of El Paso and Fremont, respectively, and the county of Teller, and shall be paid in equal proportion by the counties interested [interested].

Board receive
bids for
transcribing
records.

Sec. 11. The Board of County Commissioners of the county of Teller shall, as soon as practicable after said county shall be organized, receive bids for making transcripts of the records of said counties of El Paso and Fremont, of all property situated in the county of Teller and transcribing the same, as provided by law, into the proper record books to be provided by the said county of Teller for that purpose; and the said board of county commissioners of said county of Teller shall award such contract to the lowest responsible bidder therefor; and for the faithful performance of said contract said board of county commissioners shall require a good and sufficient bond in the sum of fifty thousand dollars (\$50,000), to be approved by said board of county commissioners. The county clerks and recorders of the counties of El Paso and Fremont shall afford every reasonable opportunity for transcribing such records. The board of county commissioners may reject any and all bids for transcribing said records in case the lowest bid is deemed by said county commissioners to be too high.

Award contract.

Contractor
furnish bond.

Teller county
second class.

Sec. 12. For the purpose of fixing fees chargeable and to be collected by county, precinct and other officers, and for the purpose of providing for and regulating the compensation of county, precinct and other officers, the said county of Teller shall be a county of the second class.

District
attachment.

Sec. 13. The said county of Teller is hereby attached to and made a part of the second congressional district, the third senatorial district, the fourth judicial district

and the fifth normal institute district, and is hereby attached to El Paso county for representative purposes.

Sec. 14. In the opinion of the General Assembly, an Emergency. emergency exists, and therefore, this act shall take effect and be in force from and after its passage.

Approved March 23, 1899.

CHAPTER 145.

TOWNS AND CITIES.

(S. B. No. 6, by Senator Stewart.)

AN ACT

TO AMEND SECTION 14 OF AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED AN ACT IN RELATION TO MUNICIPAL CORPORATIONS," APPROVED APRIL 4TH, 1877, AND TO MORE PARTICULARLY DEFINE THE POWERS AND DUTIES OF CITIES OF THE FIRST CLASS," APPROVED MARCH 24TH, 1891.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That section 14 of an act of the General Assembly of the State of Colorado entitled "An act to amend an act entitled "An act in relation to municipal corporations, approved April 4th, 1877," and to more particularly define the powers and duties of cities of the first class," Approved March 24th, 1891, be and the same is amended so as to read as follows:

Sec. 14. Before any city of the first class shall be liable for damages to any person injured upon any of the streets, avenues, alleys or sidewalks of the city, the person so injured, his agent or attorney, shall give the mayor, city clerk or city council notice in writing of such

Notice of injury shall be given within six months after same is received.

Proviso.

injury within six months after the same has been received, stating in such notice when, where and how the injury was received and the extent thereof; Provided, however, That the period during which such person injured shall have been confined to his house or place of abode by reason of his injuries or sickness caused thereby shall not be considered as a part of the period of limitation within which such notice shall be given; Provided, further, That confinement to the house as aforesaid shall not operate to extend the time of giving the notice required by this section beyond nine months from the time of the occurrence (occurrence) of the injury.

Approved February 24, 1899.

CHAPTER 146.

TOWNS AND CITIES—CENTRAL CITY.

(S. B. No. 285, by Senator Newell.)

AN ACT

TO AMEND THE CHARTER OF THE CITY OF CENTRAL; TO REPEAL SECTIONS 3, 4, 5, 6 AND 7 OF AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF CENTRAL, APPROVED MARCH 11, 1864," APPROVED FEBRUARY 10, 1865; TO REPEAL ALL OTHER ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado:

Organization of
school districts.

Section 1. Immediately upon the taking of effect of this act, a school district or school districts shall be organized in the City of Central, under the general school law of this state, and from and after the organization

thereof, the public schools in said City shall be organized, managed and controlled in all respects in the manner provided by the general school law of this state.

Sec. 2. The city treasurer of the city of Central is hereby authorized and directed to pay over to the county treasurer of Gilpin county, Colorado, for the use and benefit of such school district or districts, as may be organized in pursuance of this act, all moneys in his hands standing to the credit of the school fund or which may hereafter come into his hands belonging to the said school fund, Provided, That the county treasurer shall not be entitled to any fees of commission upon funds so received from said city treasurer. City treasurer
turn over funds.

Sec. 3. The city council of the City of Central shall provide by ordinance for the transfer, to the school district or school districts organized in pursuance of this act, of the title to all property, real and personal, belonging to, or in anywise appertaining to the public schools in said city. Transfer of
property.

Sec. 4. This act shall not effect in any way, form or manner any agreement, contract, liability or proceeding entered into, executed, incurred or done prior to the passage of this act.

Sec. 5. That sections 3, 4, 5, 6 and 7 of "An Act to Amend an Act entitled "An Act to incorporate the City of Central", approved March 11, 1864," approved February 10, 1865, and all acts and parts of acts in conflict herewith, be and the same are hereby repealed. Repeal.

Sec. 6. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage. Emergency.

Approved April 4, 1899.

CHAPTER 147.

TOWNS AND CITIES—CHARITY ORGANIZATIONS.

(S. B. No. 36, by Senator Seldomridge.)

AN ACT

AUTHORIZING CITIES OF THE SECOND CLASS TO AID, FOSTER AND MAKE APPROPRIATIONS FOR ASSOCIATED CHARITY ORGANIZATIONS.

Be it Enacted by the General Assembly of the State of Colorado :

City council aid
charity organ-
izations.

Section 1. Hereafter the City Council, in cities of the second class shall have the power and authority to aid and foster, by all lawful measures, associated Charity organizations, by appropriations, not to exceed the sum of \$5,000. in any one year, and granting the use of suitable rooms in the City buildings, Provided, however, That no portion of any money so appropriated shall be given or loaned to any society, corporation, association or institution which may be wholly or in part under sectarian or denominational control.

Emergency.

Sec. 2. In the opinion of this General Assembly an emergency exists, therefore this Act shall take effect and be in force from and after its passage.

Approved April 10, 1899.

CHAPTER 148.

TOWNS AND CITIES—CITY OF CENTRAL.

(S. B. No. 486, by Senator Newell.)

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF CENTRAL" APPROVED MARCH 11, 1864, AND TO PROVIDE FOR OBTAINING AND DISTRIBUTING A SUPPLY OF WATER FOR SAID CITY AND THE FIXING OF WATER RATES, AND TO MAKE THE SAME A LIEN UPON THE REAL ESTATE WHEREON THE SAME IS USED.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. The city council of said city shall have City council power to provide said city with pure, wholesome water, provide water. to provide and construct reservoirs, pipe-lines, hydrants, pumps, cisterns and all necessary appliances and means for the collection and storage of water and the distribution of the same throughout the city to the inhabitants for domestic and other uses, and for fire and sprinkling purposes, and when there shall be a surplus, to supply the same to consumers for mechanical and other purposes, and from time to time to establish and provide for the collection of water rates and rentals for the use of Collect rents. said water by a system uniform upon the same class of consumers and to alter and change such rates when necessary, and to provide for the placing of meters upon such Place meters. premises and in such places as shall to the city council seem proper and advisable and at the expense of such owner. Said Council shall from time to time give notice Notify owner of time of payment. either personal to the owner or his agent or to the occupier, or notice by publication in case the owner or his agent is a non-resident or can not be found, of the rates

May impose
penalty.

and time and place said rates and charges for meters shall be due and payable. And said council shall have the authority to impose such penalties for nonpayment as to be deemed proper and to shut off the water for nonpayment, but such imposing of penalties and shutting off the water shall not prevent the liability of the owner or the property for such water rents and charges, or the lien upon the real estate or the sale thereof for nonpayment as hereinafter provided.

Owner shall be
liable.

Sec. 2. The owner and occupier of any house, tenement, or lot, shall be liable for the payment of the price and water rent so fixed by said city council for the water and by such occupier, and such price and rent, together with the necessary cost of such meter and the putting in thereof, if a meter shall be put in, shall be a perpetual lien until paid, the same as general city taxes upon such house, tenement and lot, in the same degree, and if not paid to be collected in the same manner as other taxes on real estate, and in that case such real estate may be sold therefor in the same manner as real estate is sold for the nonpayment of other city taxes.

Perpetual lien.

Collect as other
taxes.

Delinquent tax
sales include
water rent and
meter charges.

Sec. 3. Before the sales of real estate in said city for delinquent taxes, which may be hereafter made, all unpaid water rents and meter charges may be entered upon the tax warrants by the treasurer of said city against each parcel of property liable therefor, and said sale for delinquent taxes may include the said water rents and meter charges, and the same shall be included in all redemptions from such sales.

City council
pass necessary
ordinance.

Sec. 4. The city council of said city may pass such ordinances as may be necessary for the purpose of carrying into effect the provisions of this act.

Emergency.

Sec. 5. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage, and approval.

Approved April 6, 1899.

CHAPTER 149.

TOWNS AND CITIES—DENVER CITY CHARTER.

(S. B. No. 364, by Senator Whitford.)

AN ACT

TO AMEND SECTION 7 OF ARTICLE VI OF AN ACT ENTITLED
"AN ACT TO REVISE AND AMEND THE CHARTER OF THE
CITY OF DENVER" APPROVED APRIL 3RD 1893.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. That Section 7 of Article VI of an act Amendment.
entitled "An Act to Revise and amend the Charter of
the City of Denver" Approved April 3rd 1893, be amended
to read as follows:

Sec. 7. The City Council is hereby authorized to City may con-
contract an indebtedness on behalf of the City, and upon tract indebted-
the credit thereof, by borrowing money and issuing bonds ness.
of the City at a rate of interest not exceeding five (5) per
cent. per annum.

(A) For the purpose of erecting public buildings,
including a public auditorium.

(B) For the purpose of constructing and maintain-
ing public sewers for the City.

(C) For the purpose of purchasing lands for parks
and public squares within or without the City limits, and
for the purpose of condemning sites for parks and public
squares, and the assessments of benefits for the same and
for sites for public buildings for said City.

(D) For the purpose of improving existing parks.

(E) For the purpose of building and constructing
viaducts for the City, or aiding in the building or con-
struction thereof.

(F) For the purpose of constructing reservoirs within or without the City limits, for the storage of water to be used in irrigating the trees in said City, and for sanitary or domestic purposes in said City, and to acquire lands for such reservoirs.

(G) For the purpose of constructing bridges and their approaches.

(H) For the purpose of taking up, paying, redeeming and refunding any bonded indebtedness of the City, or any part thereof.

(I) For the purpose of improving the banks and channels of South Platte River, and for acquiring a right of way for a new channel for Cherry Creek, and for turning the same.

(J) For the purpose of constructing and purchasing a channel or channels, or ditches, or conduits, or some suitable system of supplying waters in the City.

(K) For paying the City's proportion of any local improvements, whereby this act any part of the cost thereof is to be paid by the City. Said indebtedness and bonds for all said purposes, together with all general indebtedness and bonds of the City previously issued, not to exceed in the aggregate the amount limited by the constitution of the state of Colorado.

Emergency.

Sec. 2. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved March 23, 1899.

CHAPTER 150.

TOWNS AND CITIES—IMPROVEMENTS.

(S. B. No. 4, by Senator Stewart.)

AN ACT

TO PROVIDE FOR THE CONSTRUCTION OF LOCAL PUBLIC IMPROVEMENTS IN CITIES OF THE FIRST CLASS, NOT UNDER SPECIAL CHARTER, TO PROVIDE FOR ASSESSING AND COLLECTING THE COST OF SUCH IMPROVEMENTS AND PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS COVERING THE SAME.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. It shall be lawful for any city of the first class in this state, not operating under a special charter, to construct any of the local improvements hereinafter mentioned, and to assess the cost wholly or in part upon the property especially benefited, as hereinafter provided. The improvements shall be constructed under the direction of the city engineer or surveyor, in accordance with specifications prescribed by the city council; Provided, That wherever a duly constituted board of public works exists in and for such city, then the improvements shall be constructed by and under the direction of said board, and in accordance with specifications prescribed by said board. In all cases where the cost of local improvements is to be assessed wholly or in part upon the property benefited, the same shall be constructed by independent contract.

Sec. 2. Whenever the board of public works shall, by resolution, order any such improvement, the same shall be authorized by ordinance, which ordinance shall be in form recommended by such board by endorsement

Improvements
constructed,
how.

Authorize by
ordinance.

thereon, and shall not be subject to amendment by the city council. Where no such board exists, such improvements may be ordered by the city council.

Improvements may consist of. Sec. 3. The improvements above authorized may consist of grading, paving, curbing, or otherwise improving the whole or part or parts of any street or streets, alley or alleys, or streets and alleys in such city, or any one or more of said improvements; and in case of grading only, or grading and curbing only, the improvements may include the necessary cross walks; and thereafter, under the conditions herein prescribed, such further grading may be done as may be necessary in paving or otherwise improving the same area. Said improvements may also consist of the construction of sewers and such other public works as may be considered necessary and authorized by the city council; Provided:

Owners petition for improvements. First—No improvement, except sewers and their appurtenances, shall be ordered under this act by the board of public works, or where no such board exists, then by the city council, unless a petition for the same is first presented, subscribed by the owners of a majority of the frontage to be assessed for the same, and nothing in this act shall restrict the right of a majority of the owners to be assessed for the improvement from securing any particular kind or variety of improvement petitioned for.

Materials designated by petitioners. Second—If the owners of a majority of the frontage which is to be assessed shall petition for any particular kind of paving or curbing, and for any particular materials to be used in the same, then the improvements must be ordered, and the materials so designated shall be used.

Petition state maximum price. Third—If the material petitioned for by a majority of the property owners to be assessed for the improvement is one that does not encourage competition, then it shall be the right of the property owners to state in the petition the maximum price per square yard, or per lineal foot, or per unit at which the improvement is desired,

and no contract shall be let for any such improvement at a price exceeding the maximum price fixed in said petition.

Fourth—The board of public works or city council shall encourage competition, and shall so far as possible within the limits of the petition describe all materials by standard or quality in their specifications. Describe material.

Fifth—Before ordering the same, a preliminary order shall be made by the board, where such board exists, otherwise by the city council, adopting full details and specifications in conformity with petition for the same, leaving no obscurity as to material to be used, determining the number of installments and time in which the cost shall be payable, the rate of interest on unpaid installments, and the district to be assessed for the same, as in this act provided; and requiring an estimate of the cost to be made by the engineer of the board of public works, or in the absence of such engineer then by the city engineer, together with a map of the district, showing the approximate amounts to be assessed upon each piece of property; and no contracts shall be let for any amounts exceeding the estimate so made. Preliminary order may issue. Engineer make estimate and map.

Sixth—The board of public works, or where no such board exists, then the city clerk shall, by advertisement for twenty days in two newspapers of general circulation published in such city, or where only one such newspaper exists, then in one such newspaper, give notice to the owners of the property to be assessed, of the kind of improvement proposed, the number of installments, and the time in which the cost will be payable, the rate of interest on unpaid installments, the extent of the district to be assessed, the probable cost per front foot as shown by the estimates of the engineer, and the time, not less than thirty days after the first publication, when a resolution or ordinance ordering the improvements will be finally considered; that said map and estimate and all resolutions and proceedings are on file and can be seen and examined at the office of the board or city clerk during business hours, at any Shall notify by advertisement. Contents.

time within said period of thirty days by any person interested; and that all complaints and objections that may be made in writing concerning the proposed improvement, by the owners of any real estate to be assessed, will be heard and determined by the board or city council, as the case may be, before final action of the board or city council thereon.

Ordinance conclusive in court.

Seventh—The finding by ordinance that said improvements were duly ordered after notice duly given; or that such petition was or was not presented, as above provided, or was or was not subscribed by the required number of owners aforesaid, shall be conclusive in every court or other tribunal.

Orders may be changed prior to passage of ordinance.

Eighth—Any resolution or orders in the premises may be modified, confirmed or rescinded at any time prior to the passage of the ordinance authorizing the improvements.

Specifications may contain.

Ninth—The specifications for paving may include sidewalks, curbing and grading, and sufficient culverts, sewers or drains necessary to carry off the surface waters across or along the line of the street improved, and such other incidentals to paving as may in the judgment of the board or city council be required.

The specifications may provide that bidders shall agree to enter into contract to do the work and maintain the same in good repair for a period of five years; and the contract may be entered into in accordance therewith.

Allowance made for previous improvements.

Tenth—If before any such improvements are made, any piece of real estate or any railway company to be assessed has already an improvement conforming to the general plan, or satisfactory to the board or city council, an allowance therefor may be made to the owner, the same to be deducted from his assessment and from the contract price.

Sec. 4. Whenever any grading or paving district shall be created under this act, the board of public works or city council shall include in said district the entire

width of street from curb to curb, including the portion of said street or streets occupied by, or required by franchise obligation to be paved by, or chargeable or assessable to any railway company whose railroad runs through or across any street or streets in said district, and shall charge to, assess and collect the proper proportion, as hereinafter provided, of the cost of the said improvement from such railway company or companies, in the same manner as is herein provided for in case of abutting property, and shall issue bonds for the same, which bonds shall be issued and made payable in like manner as bonds issued for the improvement to be assessed against the real estate specially benefited. And in the meaning of this section, in the absence of a franchise obligation to grade or pave, a railway company shall be held to occupy and shall be liable for the grading and paving of that part of the street lying between the rails of each track and one foot outside of each rail, and every railway company, whether street railway or otherwise, shall be assessed for the cost of paving and grading of any part or parts of any street or alley occupied by or required by franchise obligation to be paved by them; and the assessment levied for the cost of said improvements chargeable to a railway company shall be a first and prior lien against the entire franchise and property of the company within said district; and also without said district, but within the limits of the city where such improvement is made, subject only to general taxes; and all the terms, conditions and provisions in this act contained relative to the collection of the amounts chargeable against assessable frontage shall be applicable in the enforcement and collection of such assessment against such railway company and the property of such railway company shall, in case of default in the payment of such assessment, be sold as in cases of default in payment of general taxes levied thereon; but railway trackage shall not be considered or computed as assessable frontage, in determining the sufficiency of petitions as herein provided.

Pro rata of
assessment
against railway
companies.

Assessment
prior lien.

Railway track-
age not consid-
ered in petition.

Frontage
assessed, how.

Sec. 5. In case of improvement of any street, as hereinbefore provided, the cost of the improvement, except in the intersection of streets and alleys, and except the share to be assessed against railway companies, shall be assessed upon all the lots or tracts of land abutting on the street improved, in proportion as the frontage of each lot or tract of land is to the frontage of all the lots and lands so improved, the sides of corner lots abutting on a street so improved being regarded as frontage; Provided, That where the real estate abutting on the street improved consists of lots or lands which are not of substantially equal depth, or less than fifty feet in depth, then the same may be assessed to a substantially equal depth, not less than 25, and not more than 190 feet from the street improved, as the same may be determined by the board of public works, or, where no such board exists, then by the city council.

Alley intersec-
tion, how
assessed.

Sec. 6. In case of the improvement of any street, the cost of the improvements in each street intersection, except the share to be assessed against railway companies, shall be assessed upon all the frontage of the street improved, and on the intersecting streets within a distance of one-half block in each direction from such intersection, in proportion to the frontage of each piece of real estate on the street improved, or any intersecting street or on both within said distance; and the cost of each alley intersection shall be assessed upon all the real estate in the same block in proportion to the frontage on the street improved. And in case the alley shall not be in the middle of the block the term "within a distance of one-half block" shall be construed to mean one-half of the frontage on such streets, exclusive of alley or alleys.

Improvements
in alleys.

Sec. 7. In case of the improvement of any alley or alleys in any block, the whole cost in each block shall be assessed upon all the lots abutting upon the alley or alleys so improved in the same block, in proportion to the frontage of each lot on the alley or alleys so improved.

Sec. 8. Whenever any real estate is V-shaped or of any irregular form, such allowance may be made by ordinance in any assessment as may be equitable and just, or any allowance may be refused, and in case of any unusual area or proportion of intersections, the city may be required by ordinance to pay not exceeding one-half of the cost of any such intersection, and in such case the remainder only shall be assessed against said real estate. City may pay proportion.

Sec. 9. The term "street" as used in this act, shall be construed to mean any street, avenue or boulevard. Street and property definition. The term "property" shall be held to mean all land, whether platted or unplatted, regardless of improvements thereon; it shall also include in its meaning the franchises of any railroad whose tracks lie, either lengthwise or crosswise, within any street improved under this act.

Lots may be designated in accordance with any recorded plat thereof, unplatted lands by any definite description thereof, and franchise by the name of the corporation owning the same. Description.

The term "owner" as used in this act in reference to petitions shall be construed to include those in whom the record title is vested, although subject to lien or incumbrance. Title.

Sewers.

Sec. 10. Any such city may establish and maintain separate or combined sewer systems, which separate systems shall be divided into public district and private sewers for sanitary drainage, and district and sub-district sewers for storm drainage. City may establish.

Sec. 11. Public sewers for sanitary or storm drainage or both, may be established and constructed at such time, in such locations, of such extent, dimensions and material, and in accordance with such specifications as may be prescribed by such board, or where no such board exists, then by the city council, and the whole cost Public sewers.

thereof shall be paid by the city. Whenever necessary, rights of way for any sewer authorized by this act may be purchased or condemned on behalf of the city, and the whole cost shall be paid by the city.

May connect
with public
sewer.

Sec. 12. No direct private connections with public sewers shall be permitted, except with the consent of the city, and upon payment of such amount approximating the share of the cost of the district sewer where the property benefited is included in a sewer district, as may be determined by the mayor.

District Sanitary Sewers.

Construction of
sanitary sewers,
who may order.

Sec. 13. Whenever the city council of any such city shall declare the same as necessary for sanitary reasons, the board of public works, or, where no such board exists, then the city council may order the construction of district sanitary sewers in districts to be prescribed by the board of public works and approved by ordinance; or, where no such board exists, then by ordinance so as to connect with the public or district sewer, or with some natural drainage; and such districts may by like authority, be sub-divided, enlarged, diminished, or otherwise altered by ordinance at any time before the completion of the district sewers therein. The contract for district sewers may include all necessary man-holes, inlets, appurtenances, and such mains of such reasonable extent outside the district as may be necessary to connect the district with the public sewer or some natural drainage.

Contract
contain.

Private sewers,
how regulated.

Sec. 14. Private sanitary sewers connecting with district sanitary sewers may be constructed under such restrictions and subject to such regulations as may be prescribed by ordinance; but no expense shall be incurred by the city in constructing or maintaining private sewers; and the owner of any such premises in any sewer district, may be compelled by ordinance to connect the same with the district sewer at his own expense.

Cost assessed
by ordinance.

Sec. 15. The cost of any district sanitary sewer, including inlets, man-holes, connecting mains, appurten-

ances, with interest, as hereinafter provided, shall be assessed by ordinance upon all real estate in the district, in proportion as the area of each piece of real estate is to the area of all real estate in the district, exclusive of public highways.

Storm Sewers.

Sec. 16. The board of public works, or where no Construction of. such board exists, then the city council may order the construction of district sewers for storm drainage for districts to be known as storm sewer districts, the same to be prescribed by ordinance; such sewers may include the necessary man-holes, inlets, and appurtenances, and shall be so constructed as to connect with some other sufficient public sewer, or some natural drainage. Such districts shall be composed of sub-districts to be especially named or numbered in said ordinance.

Sec. 17. Unless otherwise ordered by the city coun- Cost, how cil the cost of district storm sewers shall be assessed assessed. upon all the real estate in said storm sewer districts respectively, in proportion as the area of each piece of real estate in the district is to the area of all the real estate in the district, exclusive of public highways.

Sec. 18. At the time of ordering the construction of Sub-district district storm sewers, or at any time or times thereafter, storm sewers. the construction may, in like manner, be ordered by sub-district storm sewers in any such sub-districts, or in any part or parts thereof, in such manner as to connect the sub-districts or such part or parts thereof with the district storm sewer for the purpose of storm drainage the cost of sub-district storm sewers in each sub-district or part thereof with the appurtenances, shall be assessed upon all the real estate in the sub-districts or in Assessment. the part improved, in proportion as the area of each piece of real estate in the sub-district, or in the part improved is to the area of all the real estate in the sub-district, or in the part improved, exclusive of public highways. Combined sewers for sanitary storm drain-

age may be authorized and constructed in the same manner as hereinabove provided for the construction of storm sewers, and the cost thereof assessed in the same proportion.

Reference.

Sec. 19. In ordering the construction of any sewers but public sewers, the proceedings shall be as required in the fifth, sixth and eighth provisos of section 3 of this act; but the construction of sewers shall not be subject to provision I. of said section.

Assessment and Payment.

Acceptance of work.

Sec. 20. Upon completion of any local improvement, or in case of sewers, upon completion from time to time of any part or parts thereof, affording complete drainage for any part or parts, and upon acceptance thereof by the board of public works, or where no such board exists, then by the city engineer or surveyor or city council, or, whenever the total cost of any improvements or of any such part or parts of a sewer can be definitely ascertained, the board of public works, or where no such board exists, then the city engineer shall cause to be prepared a statement, therein showing the whole cost of the improvement, or of such part or parts thereof including six per cent. additional for costs of inspection, collection and other incidentals, and also including interest to the next succeeding date, when by the laws of the state general taxes, or the first installment thereof are payable; in said statement apportioning the same upon each lot or tract of land to be assessed for the same as hereinabove provided; which statement shall be filed in the office of the city clerk.

File statement.

Clerk shall notify owners.

Sec. 21. The clerk shall thereupon by advertisement for ten days in some newspaper of general circulation, published in said city, notify the owners of the property to be assessed, that said improvements have been or are about to be completed and accepted, therein specifying the whole cost of the improvements, and the share so apportioned to each lot or tract of land; and

that any complaints or objections that may be made in writing by the owners to the city council, and filed in his office within thirty days from the publication of such notice, will be heard and determined by the city council before the passage of any ordinance assessing the cost of said improvements. **Objections.**

Sec. 22. After the period specified in said notice, the city council, sitting as a board of equalization, shall hear and determine all such complaints and objections, and may recommend to the board of public works, if such board exists, any modification of the apportionments made by said board, said board may thereupon make such modifications and changes as to them may seem equitable and just; or may confirm the first apportionment; and shall notify the city council of their final decision; and the city council shall thereupon, by ordinance assess the cost of said improvements against all the real estate in said district or sub-districts respectively, in the proportions above mentioned. **Council hear complaints.** **Assess by ordinance.**

Sec. 23. All assessments made in pursuance of this act shall be a lien in the several amounts assessed against each lot or tract of land, and shall have priority over all other liens excepting general taxes. As to any sub-division of any real estate assessed in pursuance of this act, the assessment shall in each case be a lien upon all the sub-divisions in proportion to their respective areas. No delays, mistakes, errors or irregularities in any act or proceeding authorized by this act, shall prejudice or invalidate any final assessment; but the same may be remedied by subsequent amended acts or proceedings, as the case may require, and when so remedied, the same shall take effect as of the date of the original act or proceeding. If in any court of competent jurisdiction any final assessment made in pursuance of this act is set aside for irregularities in the proceedings, then the city council may upon recommendation and notice, as required in the making of an original assessment, make a new assessment in accordance with the provisions of this act. **Lien.** **Mistakes shall not invalidate assessments.** **Make new assessment.**

Auditor prepare
assessment roll.

Contents.

Special assess-
ment.

Pay in install-
ments.

Failure to pay.

Election to pay
in installments
evidence of con-
sent to improve-
ment.

Assessments,
when paid.

Sec. 24. When the office of city auditor is provided for in any city, then the city auditor, otherwise the city clerk, shall prepare a local assessment roll in book form, showing in suitable columns, each piece of real estate assessed, the total amount of assessment, the amount of each installment of principal and interest, if, in pursuance of this act, the same is payable in installments, and the date when each installment will become due, with suitable columns for use, in case of payment of the whole amount, or of any installment or penalty, and deliver the same to the city treasurer for collection; and the same if correct, shall be so certified by the city clerk, under the seal of the city.

Sec. 25. All special assessments for local improvements shall be due and payable within thirty days of the publication of the assessing ordinance without demand; Provided, That all such assessments except assessments for sidewalks only or for grading only, or for grading and curbing only (with or without cross walks), may, at the election of the owner, be paid in installments with interest as hereinafter provided.

Sec. 26. Failure to pay the whole assessment within said period of thirty days, shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in such installments. All persons so electing to pay in installments, shall be conclusively held and considered as consenting to said improvements, and such election shall be conclusively held and considered as a waiver of any and all right to question the power or jurisdiction of the city to construct the improvements, the quality of the work, the regularity or sufficiency of the proceedings, or the validity or the correctness of the assessment.

Sec. 27. In case of such election to pay in installments, the assessment shall be payable in not less than two, nor more than twenty equal annual installments of principal, the first of which installments shall be payable in not less than one and not more than five years, and the last in not more than twenty years, with interest in all

cases on the unpaid principal, payable semi-annually, at a rate not exceeding six per cent. per annum; as the number of installments, the period of payment and the rate of interest may be determined by the board of public works, or where no such board exists, then by the city council.

Sec. 28. Subject to the foregoing requirements, all installments, both of principal and interest, shall be payable at such times as may be determined in and by the assessing ordinance upon the recommendation of the board of public works, where such board exists. Payment of installments.

Sec. 29. Failure to pay any installment, whether of principal or interest when due, shall cause the whole of the unpaid principal to become due and payable immediately, and the whole amount of the unpaid principal and accrued interest, shall thereafter draw interest at the rate of one per cent. per month or fraction of a month, until the day of sale, as hereinafter provided; but at any time prior to the day of sale, the owner may pay the amount of all unpaid installments, with interest at one per cent. per month or a fraction of a month and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any installment or payment, may at any time, pay the whole of the unpaid principal with the interest accruing to the maturity of the next installment of interest or principal. Failure to pay, penalty. Proviso. May pay entire assessment.

Sec. 30. Payments may be made to the city treasurer at any time within thirty days of the passage of the assessing ordinance, and an allowance of five per cent. shall be made on all payments during such period only. At the expiration of said thirty-day period, the treasurer shall return the local assessment roll, therein showing all payments made thereon, with the date of each payment. The city auditor, or where the office of such auditor does not exist, then the city clerk shall prepare a permanent local assessment roll in book form, showing in suitable columns each piece of real estate or property upon which the assessments are unpaid, the whole amount of the assess- Payments. Assessment roll, contents.

ment unpaid, the date to which the same was computed, the amount of each installment of principal and interest, and the date when the same will become due, with suitable columns for use in case of payment of any installment or penalties. Said roll shall be certified to by the city clerk under the seal of the city, and by him delivered to the county treasurer of the same county, with his warrant for the collection of the same. It shall be the duty of the county treasurer to receipt for the same, and all such rolls shall be numbered for convenient reference.

County
treasurer.

County treas-
urer may adver-
tise and sell
property.

Sec. 31. The county treasurer may and shall receive payment of all assessments appearing upon the said last mentioned roll with interest; and in case of default in the payment of any installment or principal or interest when due, shall advertise and sell any and all property concerning which such default is suffered, for the payment of the whole or the unpaid assessments thereon; and said advertisements and sales shall be made at the same time or times and in the same manner, under all the same conditions and penalties, and with the same effects as are provided by general law for sales of real estate in default of payment of general taxes.

Owner may
pay.

Sec. 32. The owner of any divided or undivided interest may pay his share of any assessment, upon producing evidence of the extent of the interest, satisfactory to the treasurer having the roll in charge.

County
treasurer make
statement.

Sec. 33. All collections made by the county treasurer upon such assessment roll in any calendar month, shall be accounted for and paid over to the city treasurer on or before the tenth day of the next succeeding calendar month, with separate statement for all such collections for each improvement.

City provide
examination
indexes.

Sec. 34. The city auditor, or where no such office exists, then the city clerk and the county treasurer shall provide for public examination indexes of all special assessments against real estate, certified as above for collection, containing in suitable columns such information as may be necessary for the use of the examiners of title to such real estate.

Public Improvement Bonds.

Sec. 35. All local improvements shall be paid for in public improvement bonds or warrants of the city issuing the same, of such date and in such form as may be prescribed by the board of public works, or where no such board exists, then by the city council, bearing the name of the street, alley or district improved and payable to the bearer in a sufficient period of years after date to cover the period of payment above provided, but subject to call as hereinafter provided, and in convenient denominations of not more than \$1,000. each. All such bonds and warrants shall be issued by the city treasurer upon the estimates and orders of the board of public works, or where no such board exists, then upon the estimates and orders of the mayor, city surveyor or engineer; and the city treasurer shall preserve a record of the same in a suitable book kept for that purpose. All such bonds and warrants shall be subscribed by the mayor, attested by the city clerk and the seal of the city, and registered by the city auditor, where such office exists, with the approval of the board of public works endorsed thereon, where such board of public works exists; said bonds and warrants to be payable out of the moneys collected on account of the assessments made for said improvements respectively; and all moneys collected from such assessments for any improvement shall be applied to the payment of all bonds and warrants issued, until payment be made of all the said bonds or warrants; Provided, That such bonds or warrants may be used by the board of public works where such board exists, with the approval of the mayor, otherwise may be used by the mayor and city council at par, in payment for engineering and other clerical expenses and cost of inspection; or, where such board of public works exists, said board may, with the approval of the mayor, upon advertisement for not less than ten days in some newspaper of general circulation, published in such city, and in such other newspaper as may be approved by the mayor, sell sufficient of said bonds

City issue bonds.

Denomination.

Record.

Disposition of collections.

Bonds, how used.

or warrants at not less than par to pay the expenses, mentioned in this proviso, in cash; and where no such board of public works exists, then said bonds may be advertised and sold in like manner by the mayor with the approval of the city council, and the proceeds used for same purposes.

Bonds bear interest.

Sec. 36. All such bonds and warrants shall bear interest not exceeding six per cent. per annum, as may be ordered by the board of public works, or, where no such board exists, then so ordered by the city council, the interest to be paid semi-annually, evidenced by coupons, attested by a fac-simile of the signature of the city auditor, or where no such office exists, then by a fac-simile of the signature of the city clerk.

City treasurer may call in bonds or warrants.

Sec. 37. Whenever considered prudent by the city treasurer he may, and whenever funds may be in his hands to the credit of any improvement exceeding six months' interest on the unpaid principal, he shall, by advertisement for five days in some such newspaper, call in a suitable number of bonds or warrants of the said district for payment; and at the expiration of thirty days from the first publication, interest on the bonds so called shall cease; the notice shall specify the bonds or warrants so called by number, and all such bonds or warrants shall be paid in their numerical order. The holder of any such bonds or warrants may at any time furnish his post-office address to the city treasurer, and in such case, a copy of the advertisement shall be mailed by the city treasurer to the holder, at such address, on the first day of such publication.

Specifications.

Contracts.

Contracts, how let.

Sec. 38. All contracts for local improvement shall be let by the mayor upon the recommendation of the board of public works, where such board exists, without any action by the city council, except in the passage of the original ordinance or resolution authorizing the improvement. And where no such board exists, then such

contract shall be let by the mayor, with the approval of the city council. All such contracts shall be let to the lowest reliable and responsible bidder, after public advertisement for not less than ten days in some newspaper of general circulation, published in such city. Any other mode of letting such contract shall be illegal and void, and no contract shall be made without a bond for its faithful performance, with sufficient surety or sureties to be approved by the board, or where no such board exists, then the mayor; and no sureties shall be accepted or approved by the board or mayor, other than a surety company, unless he is the owner of real estate in this state in double the amount of his liability on all bonds upon which he may then be surety to the city. Upon default in the performance of any contract, the same officials may advertise and re-let the remainder of the work in like manner, without further ordinance, and deduct the cost from the original contract price, or, with the approval of the mayor advance any excess out of the funds of the city and recover the same by suit on the original bond. In all advertisements the right shall be reserved to reject any or all bids, and upon rejecting all bids, other bids may be advertised for without further ordinance.

Advertise for bids.
Contractor furnish bond.
Default, how remedied.
May reject bids.

Sec. 39. Every contract shall contain a clause to the effect that it is subject to the provisions of the acts under which the city exists, and of the ordinance authorizing the improvement; that the aggregate payment thereon shall not exceed the estimate of the engineer, or the amount appropriated; that upon ten days' notice the work under such contract, without cost or claim against the city, be suspended for substantial cause; and that upon complaint of any owner of real estate to be assessed for the improvement, that the improvement is not being constructed in accordance with the contract, then the board of public works, or, where no such board exists then the city council may consider the complaint and make such order in the premises as shall be just, and their decision shall be final.

Contents of contract.
Council consider complaints.

Council guaran-
tee payment.

Sec. 40. The city council may by ordinance, adopted by two-thirds vote on behalf of the city, guarantee the payment of all, or of any bonds or warrants issued in pursuance of this act.

City make con-
nections in case
of default of
owner.

Sec. 41. Before paving in any district in pursuance of this article, the board of public works, or where no such board exists, the city council, may order the owners of the abutting real estate to connect their several premises, with the gas or water mains, or with any other commodity in the street in front of their several premises; and upon default of the owners for thirty days after such order to make such connection, the city may contract for and make the connections aforesaid at such distance, under such regulations, and in accordance with such specifications as may be prescribed by the board of public works, or where no such board exists, then by the city council, and the whole cost of each connection shall be assessed against the premises with which the connection is made. Any number of such connections may be included in one contract, and the proceedings shall be as required in the fifth, sixth and eighth provisos of Section 3 of this article, but the cost shall be paid upon the completion of the work, and in one sum, and shall not be subject to petition or competition. The cost shall be assessed and collected in the same manner as is provided in this article for assessment and collection of the cost of grading; and upon default in the payment of any assessment, the real estate may be held in like manner and with like effect.

Failure to pay
assessment.

City treasurer
purchase prop-
erty at delin-
quent tax sale.

Sec. 42. At any sale by the county treasurer, of any property for the purpose of paying any special assessment for local improvements in such city, the city treasurer having written authority from the mayor, may purchase any such real estate without paying for same in cash; and shall receive certificates of purchase therefor in the name of the city. The certificates shall be received and credited at their face value with all interest and penalties accrued, to the county treasurer on account of the assessments in pursuance of which the sale

Receive certif-
icate of
purchase.

was made. The certificates may thereafter be sold by the city treasurer at their face value with all interest and penalties accrued, and by him assigned in the name of the city, and the proceeds credited to the fund created by ordinance for the payment of such assessments respectively. Such assignments shall be without recourse and the sale and assignment shall operate as a lien in favor of the purchasers and assignees, as is provided by law in the case of sales of real estate in default of payment of general taxes.

May sell certificates.

Lien.

Sec. 43. Whenever any improvement authorized by this act is petitioned for by a majority of the property frontage liable to be assessed, it shall be the duty of the city officials whose duty it is to act, to authorize said improvement, and a writ of mandamus may issue out of any court of competent jurisdiction, requiring said officials to take such action as is required by this act; Provided, That if the material petitioned for is known to be worthless or of poor quality, or would not make a good, substantial, reasonably permanent improvement, the board of public works, or, where no such board exists, then the city council may refuse to grant a petition for that reason.

May issue mandamus upon failure of city.

Proviso.

If a material petitioned for or designated in the specifications is a patented or proprietary article on which there can be but one bid, the board of public works, or, where no such board exists, then the city council may refuse to award a contract if the entire bid, shall be excessive as compared with improvements of equal value, or may reject bids or readvertise.

Not award contract if bid is excessive.

Sec. 44. In all proceedings and notices authorized by this act, figures may be used instead of words, and in districts of extended areas, it shall not be necessary to designate each piece of real estate separately, but in such case general descriptions and quantities may be used, except in the assessment rolls; and except in such rolls, the cost may be stated as being of probable or certain amount per front foot or per lot of given size.

Give general descriptions.

Except.

Actions commenced, when.

Sec. 45. All actions whether legal or equitable for relief against any proceedings had under this law, whether based upon irregularities or jurisdictional defects, shall be commenced within thirty days after the wrongful act complained of, or else be thereafter perpetually barred.

Not affect other laws.

Sec. 46. Nothing in this act contained shall be construed so as to prejudice or affect the right to construct local improvements by virtue of any other law of this state; and no other act or law shall prejudice the right to construct local improvements under this act; but if constructed in pursuance of this act, the same shall be made to appear in the original petition, under an ordinance authorizing the improvements; Providing, however, That the city council shall have the right to reject any and all bids which may be made by any person or persons to do improvements mentioned in this act, and when in the judgment of the city council it shall deem it for the best interest of the city, the city council of such city is hereby empowered to provide for doing such work by hiring parties by the day, and to arrange for purchasing the necessary material to do such work under the direction, supervision and control of the city.

May reject bids.

Letting of contract optional.

Emergency.

Sec. 47. Whereas, In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved March 3, 1899.

CHAPTER 151.

TOWNS AND CITIES—IMPROVEMENTS.

(S. B. No. 130, by Senator Maxwell.)

AN ACT

TO PROVIDE FOR THE CONSTRUCTION OF LOCAL IMPROVEMENTS IN CITIES OF ALL CLASSES HAVING A POPULATION OF LESS THAN ONE HUNDRED THOUSAND, AND INCORPORATED TOWNS, THE ISSUANCE OF LOCAL IMPROVEMENT BONDS THEREFOR, AND THE ASSESSMENT AND PAYMENT OF THE COST OF SAID IMPROVEMENTS.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. It shall be lawful for any City of any class in this State, having a Population of less than One Hundred Thousand, whether organized under the General Laws of this State, or operating under a special charter, or for any Incorporated Town, incorporated under the General Laws of this State, to construct any of the Local Improvements hereinafter mentioned, and to assess the cost, wholly or in part, upon the property especially benefited, as hereinafter provided. The improvement shall be constructed under the direction of the City Engineer or Surveyor, or other officer having similar duties, or under the direction of the City Council or Board of Trustees, in accordance with plans and specifications prescribed by the City Council or Board of Trustees of such City or Town; Provided, that when-
ever a duly constituted Board of Public Works exists in and for such City or Town, then the Improvement shall be constructed by and under the direction of said Board, and in accordance with plans and specifications prescribed by said Board. In all cases where the cost of

City may construct.

How constructed.

Proviso.

Work done by contract. Local Improvements is to be assessed wholly or in part upon the property benefited, the same shall be constructed by independent contract.

Improvement authorized by ordinance. Sec. 2. Whenever the Board of Public Works shall, by resolution, order any such improvement, the same shall be authorized by ordinance, which ordinance shall be in form recommended by such board by endorsement thereon, and shall not be subject to amendment by the City Council or Board of Trustees. Where no such Board of Public Works exists, such improvements may be ordered by the City Council or Board of Trustees.

Consent of. Sec. 3. The improvements above authorized may consist of grading, paving, curbing, parking, or otherwise improving the whole or part or parts of any street or streets, alley or alleys, or streets and alleys in such City or Incorporated Town, or any one or more of said improvements; and in case of grading only, or grading and curbing only, the improvements may include the necessary cross walks; and thereafter, under the conditions herein prescribed, such further grading may be done as may be necessary in paving or otherwise improving the same area. Said improvements may also consist of the construction of sewers and such other public works as may be considered necessary and authorized by the City Council or Board of Trustees; Provided:

Provisos. First—No improvement, except sewers and their appurtenances, shall be ordered under this act by the Board of Public Works, or where no such Board exists, then by the City Council or Board of Trustees, unless a petition for the same is first presented, subscribed by the owners of a majority of the frontage to be assessed for the same, and nothing in this act shall restrict the right of a majority of the owners to be assessed for the improvement from securing any particular kind or variety of improvement petitioned for.

Material. Second—If the owners of a majority of the frontage which is to be assessed shall petition for any particular kind of paving or curbing, and for any particular materials to be used in the same, then the improvements

must be ordered in accordance with the petition, and the materials so designated shall be used.

Third—If the material petitioned for by a majority of the property owners to be assessed for the improvement is one that does not encourage competition, then it shall be the right of the petitioners to state in the petition the maximum price per square yard, or per linear foot, or per unit at which the improvement is desired, and no contract shall be let for any such improvement at a price exceeding the maximum price fixed in said petition.

Maximum price
of material.

Fourth—The Board of Public Works or City Council or Board of Trustees shall encourage competition, by advertising for and receiving bids for such construction as hereinafter provided, and shall so far as possible within the limits of the petition describe all materials by standard or quality in their specifications.

Board of public
works advertise
for bids.

Fifth—Before contracting for or ordering any work to be constructed, a preliminary order shall be made by the Board of Public Works, where such board exists, otherwise by the City Council or Board of Trustees, adopting full details and specifications in conformity with petition for the same, definitely describing the material to be used, determining the number of installments and time in which the cost of the improvement shall be payable, the rate of interest on unpaid and deferred installments, and the property to be assessed for the same, as in this act provided; and requiring an estimate of the cost to be made by the engineer of the Board of Public Works, or in the absence of such engineer, then by the City Engineer, or, in incorporated Towns, by any similar officer or employee of the Board of Trustees, together with a map of the district in which the improvement is to be made, and a schedule showing the approximate amounts to be assessed upon the several lots or parcels of property within the district; and no contracts shall be let for any amounts exceeding the estimate so made.

Make prelim-
inary order.

Specifications.

Manner of
payment.

Require esti-
mate by
engineer.

Assessment.

Board of public works publish for twenty days notice to property owners.

Kind of improvements.

Manner of payment.

Cost.

When ordinance will be considered.

Complaints and objections, how made.

Ordinance or resolution shall be accepted as evidence in court.

Resolution may be rescinded prior to passage of ordinance.

Specifications for paving may include.

Sixth—The Board of Public Works, or where no such board exists, then the City or Town Clerk, shall, by advertisement for twenty days in one newspaper of general circulation in such City or Town, give notice to the owners of the property to be assessed, of the kind of improvements proposed, the number of installments, and the time in which the cost will be payable, the rate of interest on unpaid and deferred installments, the extent of the district to be improved, the probable cost per front foot as shown by the estimates of the engineer, and the time, not less than thirty days after the first publication, when a resolution or ordinance ordering the improvements will be finally considered; that said map and estimate and schedule showing the amounts to be assessed, and all resolutions and proceedings are on file and can be seen and examined by any person interested at the office of the Board or City or Town Clerk, or other designated place, at any time within said period of thirty days; and that all complaints and objections that may be made in writing concerning the proposed improvement, by the owner or owners of any real estate to be assessed, will be heard and determined by the Board of Public Works or City Council or Board of Trustees, as the case may be, before final action of the Board of Public Works or City Council or Board of Trustees thereon.

Seventh—The finding by ordinance or resolution of the City Council or Board of Trustees that said improvements were duly ordered after notice duly given, and that such petition was presented, as above provided, and that said petition was subscribed by the required number of owners aforesaid, shall be conclusive of the facts so stated, in every court or other tribunal.

Eighth—Any resolution or orders in the premises may be modified, confirmed or rescinded at any time prior to the passage of the ordinance authorizing the improvements.

Ninth—The specifications for paving may include sidewalks, curbing and grading, and sufficient culverts, sewers or drains necessary to carry off the surface waters

across or along the line of the street improved, and such other incidentals to paving as may in the judgment of the Board of Public Works or City Council or Board of Trustees be required.

The specifications may provide that bidders shall agree to enter into contract to do the work and maintain the same in good repair for a period of five years; and the contract may be entered into in accordance therewith.

Bidders agree to keep in repair five years.

Tenth—If before any such improvements are made, any piece of real estate or any railway Company to be assessed has already an improvement conforming to the general plan, or satisfactory to the Board of Public Works or City Council or Board of Trustees, an allowance therefor may be made to the owner, the same to be deducted from his assessment and from the contract price.

Allowance to be made for existing improvements satisfactory to board of public works.

Sec. 4. Whenever any grading or paving district shall be created under this act, the Board of Public Works or City Council or Board of Trustees shall include in the area to be paved or graded the entire width of street from curb to curb, including the portion of said street or streets occupied by, or required by franchise obligation to be paved by, or chargeable or assessable to any railway company whose railroad runs through or across any street or streets in said district, and shall charge to, assess and collect the proper proportion, as hereinafter provided, of the cost of the said improvement from such railway company or companies, in the same manner as is herein provided for in case of abutting property, and shall issue bonds for the same, which bonds shall be issued and made payable in like manner as bonds issued for the improvement to be assessed against the real estate specially benefited. And in the meaning of this section, in the absence of a franchise obligation to grade or pave, a railway company shall be held to occupy and shall be liable for the grading and paving of that part of the street lying between the rails of each track and two feet outside of each rail, and every

Board of public works shall assess railway companies for portions of streets occupied by railroads.

Shall issue bonds for same.

In absence of franchise obligation, how assess.

Assessment levied first lien, subject to general taxes.

In case of default in payment of assessment, property be sold.

Cost of improvements of streets to be assessed upon property abutting.

Proportion.

Proviso.

railway company, whether street railway or otherwise, shall be assessed for the cost of the paving and grading of any part or parts of any street or alley occupied by or required by franchise obligation to be paved by them, and the assessment levied for the cost of said improvements chargeable to a railway company shall be a first and prior lien against the entire franchise and property of the company within said district; and also without said district, but within the limits of the City or Incorporated Town where such improvement is made, subject only to general taxes; and all the terms, conditions and provisions in this Act contained relative to the collection of the amounts chargeable against assessable frontage, shall be applicable in the enforcement and collection of such assessment against such railway Company and the property of such railway Company shall, in case of default in payment of such assessment, be sold as in cases of default in payment of general taxes levied thereon; but railway trackage shall not be considered or computed as assessable frontage, in determining the sufficiency of petitions as herein provided.

Sec. 5. In case of the improvement of any street, as hereinbefore provided, the cost of the improvement, except in the intersections of streets and alleys, and except the share to be assessed against railway companies, shall be assessed upon all the lots or tracts of land abutting on the street improved, in proportion as the frontage of each lot or tract of land is to the frontage of all the lots and lands so improved, the sides of corner lots abutting on a street or alley so improved being regarded as frontage; Provided, That where the real estate abutting on the street improved consists of lots or lands which are not of substantially equal depth, or less than fifty feet in depth, then the same may be assessed to a substantially equal depth, not less than twenty five, and not more than one hundred and ninety feet from the street improved, as the same may be determined by the Board of Public Works, or, where no such board exists, then by the City Council or Board of Trustees.

Sec. 6. In case of the improvement of any street, the cost of the improvements in each street intersection, except the share to be assessed against railway companies, shall be assessed upon all the frontage of the street improved, and on the intersecting streets within a distance of one half block in each direction from such intersection, in proportion to the frontage of each piece of real estate on the street improved, or any intersecting street or on both within said distance; and the cost of each alley intersection shall be assessed upon all the real estate in the same block in proportion to the frontage on the street improved.

Cost of improvement of street intersection, how assessed.

Cost of alley intersection, how assessed.

In case the alley shall not be in the middle of the block the term "within a distance of one half a block" shall be construed to mean one half the frontage on such street exclusive of the alley or alleys.

If alley not in middle of block.

Sec. 7. In case of the improvement of any alley or alleys in any block, the whole cost in each block shall be assessed upon all the lots abutting upon the alley or alleys so improved in the same block, in proportion to the frontage of each lot on the alley or alleys so improved.

Cost of improvement of alleys, how assessed.

Sec. 8. Whenever any lot or parcel of real estate is V shaped or of any irregular form, such allowance may be made by ordinance in any assessment as may be equitable and just, or any allowance may be refused, and in case of any unusual area or proportion of intersections, the City or Incorporated Town may be required by ordinance to pay not exceeding one half of the cost of any such intersection, and in such case the remainder only shall be assessed against the real estate.

Real estate irregular form, how assessed.

Unusual area of intersections, how assessed.

Sec. 9. The term "street" as used in this act, shall be construed to mean any street, avenue or boulevard. The term "property" shall be held to mean all land, whether platted or unplatted, regardless of improvements thereon; it shall also include in its meaning the franchises of any railroad whose tracks lie, either lengthwise or crosswise, within any street improved under this act. Lots may be designated in accordance with any recorded plat thereof, unplatted lands by any defi-

Term "street" defined.

Term "property" defined.

Term "owner" defined.

nite description thereof, and franchise by the name of the corporation owning the same. The term "owner" as used in this act in reference to petitions shall be construed to include those in whom the record title is vested, although subject to lien or incumbrance.

Sewers

Sewer system, how divided.

Sec. 10. Any such City or Incorporated Town may establish and maintain separate or combined sewer systems, which separate systems shall be divided into public district and private sewers for sanitary drainage, and district and sub-district sewers for storm drainage.

Public sewers, how established and constructed.

Sec. 11. Public sewers for sanitary or storm drainage or both, may be established and constructed at such time, in such locations, of such extent, dimensions and materials, and in accordance with such specifications as may be prescribed by such Board of Public Works, or where no such board exists, then by the City Council or Board of Trustees, and the whole cost thereof shall be paid by the City or Incorporated Town. Whenever necessary, rights of way for any sewer authorized by this act may be purchased or condemned on behalf of the City or Incorporated Town, and the whole cost shall be paid by the City or Incorporated Town.

Rights of way, how secured.

No private connections with public sewer permitted, except.

Sec. 12. No direct private connections with Public sewers shall be permitted, except with the consent of the City or Town, and upon payment of such amount approximating the share of the cost of the district sewer where the property benefited is included in a sewer district as may be determined by the Mayor.

District Sanitary Sewers.

District sewers, how constructed.

Sec. 13. Whenever the City Council of any such City, or the Board of Trustees of any such incorporated town, shall declare the same as necessary for sanitary reasons, the Board of Public Works, or, where no such Board exists, then the City Council or Board of Trustees, may order the construction of district sanitary sew-

ers in districts to be prescribed by the Board of Public Works and approved by ordinance; or, where no such Board exists, then by the Council or Board of Trustees by ordinance so as to connect with the public or district sewer, or with some natural drainage; and such districts may by like authority, be subdivided, enlarged, diminished, or otherwise altered by ordinance at any time before the completion of the district sewers therein. How altered.

The contract for district sewers may include all necessary man-holes, inlets, appurtenances, and such mains of such reasonable extent outside the district as may be necessary to connect the district with the public sewer or some natural drainage. And any towns or cities contiguous to each other may unite in the construction of a common sewer or sewers of either of the kinds herein provided for, or co-operate in such construction or extend to each other the right to use any sewer constructed or to be constructed, when such use may be deemed necessary to either for the discharge of its sewage, and such co-operation, common construction or use shall be upon such terms as regards the apportionment of cost as may be agreed upon between the Councils or Board of Trustees of such contiguous towns and cities. Contract for district sewers may include. Contiguous towns or cities, how construct sewers.

Sec. 14. Private sanitary sewers connecting with district sanitary sewers may be constructed under such restrictions and subject to such regulations as may be prescribed by ordinance; but no expense shall be incurred by the City or Town in constructing or maintaining private sewers; and the owner of any such premises in any sewer district may be compelled by ordinance to connect the same with the district sewer at his own expense. Private sanitary sewers, how constructed.

Sec. 15. The cost of any district sanitary sewer, including inlets, manholes, (man-holes) connecting mains, appurtenances, with interest, as hereinafter provided, shall be assessed by ordinance upon all the real estate in the district, in proportion as the area of each piece of real estate is to the area of all real estate in the district, exclusive of public highways. Cost of district sanitary sewer, how assessed.

Storm Sewers.

District sewers
for storm drain-
age, how con-
structed.

Sec. 16. The board of public works, or where no such board exists, then the City Council or Board of Trustees, may order the construction of district sewers for storm drainage for districts to be known as storm sewer districts, the same to be prescribed by ordinance; such sewers may include the necessary man-holes, inlets and appurtenances, and shall be so constructed as to connect with some other sufficient public sewer, or some natural drainage. Such districts shall be composed of sub-districts to be especially named or numbered in said ordinance.

How assessed.

Sec. 17. Unless otherwise ordered by the City Council or Board of Trustees, the cost of district storm sewers shall be assessed upon all the real estate in said storm sewer districts respectively, in proportion as the area of each piece of real estate in the district is to the area of all the real estate in the district, exclusive of public highways.

Sub-district
improvements.

Sec. 18. At the time of ordering the construction of district storm sewers, or at any time or times thereafter, the construction may, in like manner, be ordered by sub-district storm sewers in any such sub-districts or in any part or parts thereof, in such manner as to connect the sub-districts or such part or parts thereof, with the district storm sewer for the purpose of storm drainage, the cost of sub-district storm sewers in each sub-district or part thereof with the appurtenances, shall be assessed upon all the real estate in the sub-district or in the part improved, in proportion as the area of each piece of real estate in the sub-district, or in the part improved, is to the area of all the real estate in the sub-district, or in the part improved, exclusive of public highways. Combined sewers for sanitary storm drainage may be authorized and constructed in the same manner as hereinabove provided for the construction of storm sewers, and the cost thereof assessed in the same proportion.

Cost, how
assessed.

Sec. 19. In ordering the construction of any sewers but public sewers, the proceedings shall be as required in the fifth, sixth and eighth provisos of Sec. 3. of this Act, but the construction of sewers shall not be subject to proviso first of said section. Conditions of construction.

Assessment and Payment.

Sec. 20. Upon completion of any local improvement, or in case of sewers, upon completion from time to time of any part or parts thereof, affording complete drainage for any part or parts, and upon acceptance thereof by the Board of Public Works, or where no such Board exists, then by the City Engineer or Surveyor or City Council or Board of Trustees, or wherever the total cost of any improvements or of any such part or parts of a sewer can be definitely ascertained, the Board of Public Works, or where no such Board exists, then the City Engineer or other similar officer or Board of Trustees shall cause to be prepared a statement, therein showing the whole cost of the improvement or of such part or parts thereof including six per cent. additional for costs of inspection, collection and other incidentals, and also including interest to the next succeeding date, when by the laws of the state general taxes, or the first installment thereof are payable; in said statement apportioning the same upon each lot or tract of land to be assessed for the same as hereinabove provided; which statement shall be filed in the office of the City or Town Clerk. City prepare statement.

Contents.

Apportionment.

Sec. 21. The clerk shall thereupon by advertisement for ten days in some newspaper of general circulation, published in said city or town, notify the owners of the property to be assessed, that said improvements have been or are about to be completed and accepted, therein specifying the whole cost of the improvements, and the share so apportioned to each lot or tract of land; and that any complaints or objections that may be made in writing by the owners to the City Council or Board of Clerk notify by advertisement.

Objections made in writing.

Trustees, and filed in his office within thirty days from the publication of such notice, will be heard and determined by the City Council or Board of Trustees before the passage of any ordinance assessing the cost of said improvements.

Council hear
and determine
complaints.

Sec. 22. After the period specified in said notice, the City Council or Board of trustees shall hear and determine all such complaints and objections; and may make or recommend to the Board of Public Works, if any such Board exists, any modification of the apportionments made by said Board, said Board may thereupon make such modifications and changes as to them may seem equitable and just; or may confirm the first apportionment; and shall notify the City Council or Board of Trustees of their final decision; and the City Council or Board of Trustees shall thereupon by ordinance, assess the cost of said improvements against all the real estate in said districts or sub-districts respectively, in the proportions above mentioned.

Assessment by
council.

Lien.

Irregularities
not invalidate.

Council make
new assess-
ment, when.

Sec. 23. All assessments made in pursuance of this Act shall be a lien in the several amounts assessed against each lot or tract of land, and shall have priority over all other liens excepting general taxes. As to any subdivisions of any real estate assessed in pursuance of this Act, the assessment shall in each case be a lien upon all the subdivisions in proportion to their respective areas. No delays, mistakes, errors or irregularities in any Act or proceeding authorized by this Act shall prejudice or invalidate any final assessment; but the same may be remedied by subsequent amended Acts or proceedings, as the case may require, and when so remedied, the same shall take effect as of the date of the original Act or proceeding. If in any court of competent jurisdiction any final assessment made in pursuance of this Act is set aside for irregularity in the proceedings, then the City Council or Board of Trustees may upon recommendation and notice, as required in the making of an original assessment, make a new assessment in accordance with the provisions of this Act.

Sec. 24. When the office of City Auditor is provided for in any city or town, then the City Auditor, otherwise the city or town clerk, shall prepare a local assessment roll in book form, showing in suitable columns, each piece of real estate assessed, the total amount of assessment, the amount of each installment of principal and interest, if, in pursuance of this Act, the same is payable in installments, and the date when each installment will become due, with suitable columns for use, in case of payment of the whole amount, or of any installment or penalty, and deliver the same to the city or town Treasurer for collection; and the same, if correct, shall be so certified by the city or town Clerk, under the Seal of the city. City prepare assessment roll.
Contents.

Sec. 25. All special assessments for local improvements shall be due and payable within thirty days of the publication of the assessing ordinance without demand; Provided, That all such assessments, except assessments for sidewalks only or for grading only, or for grading and curbing only (with or without cross-walks), may, at the election of the owner, be paid in installments with interest as hereinafter provided. Assessments payable.
Proviso.

Sec. 26. Failure to pay the whole assessment within said period of thirty days, shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in such installments. All persons so electing to pay in installments, shall be conclusively held and considered as consenting to said improvements, and such election shall be conclusively held and considered as a waiver of any and all right to question the power or jurisdiction of the city or town to construct the improvements, the quality of the work, the regularity or sufficiency of the proceedings, or the validity or the correctness of the assessments. Payment in installments optional.

Sec. 27. In case of such election to pay in installments, the assessment shall be payable in not less than two, nor more than twenty equal annual installments of principal, the first of which installments shall be pay- Assessment, when payable.

able in not less than one and not more than five years, and the last in not more than twenty years, with interest in all cases on the unpaid principal, payable semi-annually, at a rate not exceeding six per cent. per annum; as the number of installments, the period of payment and the rate of interest may be determined by the Board of Public Works, or where no such board exists, then by the City Council or Board of Trustees.

Time of
payment.

Sec. 28. Subject to the foregoing requirements, all installments both of principal and interest, shall be payable at such times as may be determined in and by the Assessing ordinance upon the recommendation of the Board of Public Works, where such board exists.

Default in pay-
ment.

Penalty.

Sec. 29. Failure to pay any installment, whether of principal or interest when due, shall cause the whole of the unpaid principal to become due and payable immediately, and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of one per cent. per month or fraction of a month, until the day of sale, as hereinafter provided; but at any time prior to the day of sale, the owner may pay the amount of all unpaid installments, with interest at one per cent. per month or fraction of a month and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any installment or payment, may at any time pay the whole of the unpaid principal with the interest accruing to the maturity of the next installment of interest or principal.

May pay whole
amount.

Discount for
cash payment.

City prepare
assessment roll.

Sec. 30. Payments may be made to the City or town Treasurer at any time within thirty days of the passage of the assessing ordinance, and an allowance of five per cent. shall be made on all payments during such period only. At the expiration of said thirty day period, the Treasurer shall return the local assessment roll, therein showing all payments made thereon, with the date of each payment. The city or town Auditor, or where the office of such Auditor does not exist, then the city or

town clerk shall prepare a permanent local assessment roll in book form, showing in suitable columns each piece of real estate or property upon which the assessments are unpaid, the whole amount of the assessment unpaid, the date to which the same was computed, the amount of each installment of principal and interest, and the date when the same will become due, with suitable columns for use in case of payment of any installment or penalties. Said roll shall be certified by the city or town Clerk under the seal of the city or incorporated town, and by him delivered to the County Treasurer of the same county, with his warrant for the collection of the same. It shall be the duty of the County Treasurer to receipt for the same, and all such rolls shall be numbered for convenient reference.

Contents.
Deliver to county treasurer.

Sec. 31. The County Treasurer may and shall receive payment of all assessments appearing upon the said last mentioned roll with interest; and in case of default in the payment of any installment of principal or interest when due, shall advertise and sell any and all property concerning which such default is suffered, for the payment of the whole of the unpaid assessments thereon; and said advertisements and sales shall be made at the same time or times, in the same manner, under all the same conditions and penalties, and with the same effects, as are provided by general law for sales of real estate in default of payment of general taxes.

County treasurer receive payment of assessments.
Default.

Sec. 32. The owner of any divided or undivided interest may pay his share of any assessment, upon producing evidence of the extent of his interest, satisfactory to the Treasurer having the roll in charge.

Owner of interest furnish evidence prior to payment.

Sec. 33. All collections made by the County Treasurer upon such assessment roll in any calendar month, shall be accounted for and paid over to the city or town Treasurer on or before the tenth day of the next succeeding calendar month, with separate statements for all such collections for each improvement.

Collections paid to city, when.

Sec. 34. The city or town Auditor, or where no such office exists, then the City or town Clerk and the County

City furnish
examination
indexes.

Treasurer shall provide for public examination indexes of all special assessments against real estate, certified as above for collection, containing in suitable columns such information as may be necessary for the use of the examiners of title to such real estate.

Public Improvement Bonds.

Bonds.

Sec. 35. All local improvements shall be paid for in public improvement bonds or warrants of the city or town issuing the same, of such date and in such form as may be prescribed by the board of public works, or, where no such board exists, then by the city council or board of trustees, bearing the name of the street, alley or district improved, and payable to the bearer in a sufficient period of years after date to cover the period of payment above provided, but subject to call as hereinafter provided, and in convenient denominations of not more than \$1,000 each. All such bonds and warrants shall be issued by the city or town treasurer upon the estimates and orders of the board of public works, or where no such board exists, then upon the estimates and orders of the mayor, city or town surveyor or engineer, or other similar officer; and the city or town treasurer shall preserve a record of the same in a suitable book kept for that purpose. All such bonds and warrants shall be subscribed by the mayor, attested by the city or town clerk and the seal of the city, and registered by the city or town Auditor, where such office exists, with the approval of the board of public works endorsed thereon, where such board of public works exists; said bonds and warrants to be payable out of the moneys collected, on account of the assessments made for said improvements respectively; and all moneys collected from said assessments for any improvement shall be applied to the payment of all bonds and warrants issued, until payment be made of all the said bonds or warrants; provided, that such bonds or warrants may be used by the board of public works, where such board

Denomination.

Treasurer keep
record.

Bonds, how
issued.

Payment.

Proviso.


exists, with the approveal [approval] of the Mayor, otherwise may be used by the Mayor and City Council or board of trustees at par, in paying for engineering and other clerical expenses and cost of inspection; or, where such board of public works exists, said board may, with the approval of the Mayor, upon advertisement for not less than ten days in some newspaper of general circulation, published in such city or town, and in such other newspaper as may be approved by the Mayor, sell sufficient of said bonds or warrants at not less than par to pay the expenses mentioned in this proviso, in cash; and where no such board of public works exists, then said bonds may be advertised and sold in like manner by the Mayor with the approval of the city council or board of trustees, and the proceeds used for same purposes. Bonds may be sold at not less than par.

Sec. 36. All such bonds and warrants shall bear interest [interest] not exceeding six per cent. per annum, as may be ordered by the board of public works, the city council or board of trustees, the interest to be paid semi-annually, evidenced by coupons, attested by a fac simile of the signature of the city or town Auditor, or where no such office exists, then by a fac simile of the signature of the city or town clerk. Rate of interest.

Sec. 37. Whenever considered prudent by the city or town treasurer, he may, and whenever funds may be in his hands to the credit of any improvement exceeding six months' interest on the unpaid principal, he shall, by advertisement for five days in some such newspaper, call in a suitable number of bonds or warrants of the same district for payment; and at the expiration of thirty days from the first publication, interest on the bonds so called shall cease; the notice shall specify the bonds or warrants so called by number, and all such bonds or warrants shall be paid in their numerical order. The holder of any such bonds or warrants may at any time furnish his postoffice address to the City or Town Treasurer, and in such case, a copy of the advertisement shall be mailed by the City or Town Treasurer to the holder, at such address, on the first day of such publication. Treasurer call bonds or warrants, when. Call shall specify.

Contracts.

How let.



Sec. 38. All contracts for local improvements shall be let by the Mayor upon the recommendation of the Board of Public Works, where such Board exists, without any action by the City Council or Board of Trustees, except in the passage of the original ordinance or resolution authorizing the improvement, and where no such board exists, then such contracts shall be let by the Mayor, with the approval of the City Council or Board of Trustees. All such contracts shall be let to the lowest reliable and responsible bidder, after public advertisement for not less than ten days in some newspaper of general circulation, published in such City or Town. Any other mode of letting such contract shall be illegal and void, and no contract shall be made without a bond for its faithful performance, with sufficient surety or sureties to be approved by the Board, or, where no such Board exists, then by the Mayor; and no sureties shall be accepted or approved by the Board or Mayor, other than a surety company, unless he is the owner of real estate in this state in double the amount of his liability on all bonds upon which he may then be surety to the City or Town. Upon default in the performance of any contract, the same officials may advertise and re-let the remainder of the work in like manner, without further ordinance, and deduct the cost from the original contract price, or, with the approval of the Mayor, advance any excess out of the funds of the City or Town and recover the same by suit on the original bond. In all advertisements the right shall be reserved to reject any or all bids, and upon rejecting all bids, other bids may be advertised for without further ordinance.

Contractor furnish bond.

May relet in case of default.

May reject bids.

Contract subject to provisions.

Sec. 39. Every contract shall contain a clause to the effect that it is subject to the provisions of the acts under which the City or Town exists, and of the ordinance authorizing the improvement; that the aggregate payment thereon shall not exceed the estimates of the

Engineer or other similar Officer, or the amount appropriated; that upon ten days' notice the work under such contract, without cost or claim against the City or Town may be suspended for substantial cause; and that upon complaint of any owner of real estate to be assessed for the improvement, that the improvement is not being constructed in accordance with the contract, then the Board of Public Works, or, where no such Board exists, then the City Council or Board of Trustees may consider the complaint and make such order in the premises as shall be just, and their decision shall be final. City consider complaints.

Sec. 40. The City Council or Board of Trustees may by ordinance, adopted by two thirds vote on behalf of the City or Town, guarantee the payment of all, or of any bonds or warrants issued in pursuance of this act. City guarantee payment.

Sec. 41. Before paving in any district in pursuance of this article, the Board of Public Works, or, where no such Board exists, the City Council or Board of Trustees, may order the owners of the abutting real estate to connect their several premises with the gas or water mains, or with any other commodity in the street in front of their several premises; and upon default of the owners for thirty days after such order to make such connections, the City or Town may contract for and make the connections aforesaid at such distance, under such regulations, and in accordance with such specifications as may be prescribed by the Board of Public Works, or where no such Board exists, then by the City Council or Board of Trustees, and the whole cost of each connection shall be assessed against the premises with which the connection is made. Any number of such connections may be included in one contract, and the proceedings shall be as required in the fifth, sixth and eighth provisos of section 3 of this article, but the cost shall be paid upon the completion of the work, and in one sum, and shall not be subject to petition or competition. The cost shall be assessed and collected in the same manner as is provided in this article for assess- City construct improvements in case of default of owners. Cost, how assessed.

Default.

ment and collection of the cost of grading; and upon default in the payment of any assessment, the real estate may be held in like manner and with like effect.

City may purchase delinquent property.

Sec. 42. At any sale by the county Treasurer of any property for the purpose of paying any special assessments for local improvements in such city or town, the City or Town Treasurer having written authority from the Mayor, may purchase any such real estate without paying for the same in cash; and shall receive certificates of purchase therefor in the name of the city or town. The certificates shall be received and credited at their face value with all interest and penalties accrued, to the County Treasurer on account of the assessments in pursuance of which the sale was made. The certificates may thereafter be sold by the City or Town Treasurer at their face value with all interest and penalties accrued, and by him assigned in the name of the City or town, and the proceeds credited to the fund created by ordinance for the payment of such assessments respectively. Such assignments shall be without recourse and the sale and assignments shall operate as a lien in favor of the purchasers and assignees as is provided by law in the case of sales of real estate in default of payment of general taxes.

City may sell certificates.

Sale operate as lien.

City authorize improvement.

Failure.

Proviso.

Sec. 43. Whenever any improvement authorized by this act is petitioned for by a majority of the property frontage liable to be assessed, it shall be the duty of the city or town officials whose duty it is to act, to authorize said improvement, and a writ of mandamus may issue out of any Court of competent jurisdiction, requiring said officials to take such action as is required by this act; Provided, That if the material petitioned for is known to be worthless or of poor quality, or would not make a good, substantial, reasonably permanent improvement, the Board of Public Works, or, where no such Board exists, then the City Council or Board of Trustees, may refuse to grant a petition for that reason. If a material petitioned for or designated in the specifications is a patented or proprietary article on which

there can be but one bid, the Board of Public Works, or where no such Board exists, then the City Council or Board of Trustees, may refuse to award a contract if the entire bid shall be excessive as compared with im- Excessive bids. provements of equal value, or may reject bids or re-advertise.

Sec. 44. In all proceedings and notices authorized General descrip- tion sufficient. by this act, figures may be used instead of words, and in districts of extended areas it shall not be necessary to designate each piece of real estate separately, but in such case general descriptions and quantities may be used, except in the assessment rolls; and except in such Except. rolls, the cost may be stated as being of probable or certain amount per front foot or per lot of given size.

Sec. 45. All actions legal or equitable for relief Time in which action may commence. against any proceedings had under this law, whether based upon irregularities or jurisdictional defects, shall be commenced within thirty days after the wrongful Act complained of, or else be thereafter perpetually barred.

Sec. 46. Nothing in this Act contained shall be Not affect other laws. construed so as to prejudice or affect the right to construct local improvements by virtue of any other law of this state; and no other Act or law shall prejudice the right to construct local improvements under this Act; but if constructed in pursuance of this Act, the same shall be made to appear in the original petition, under an ordinance authorizing the improvements. Provided, however, that the City Council, or Board of Trustees, shall have the right to reject any and all bids which May reject bids. may be made by any person or persons to do improvements mentioned in this Act, and when in the judgment of the City Council or Trustees of the town shall deem it to the best interests of the City or Town, the City Council of such City or Board of Trustees of such town is hereby empowered to provide for doing such work by Letting of con- tracts optional. hiring parties by the day, and to arrange for purchasing the necessary materials to do such work under the direction, supervision or control of such city or town.

Not affect city
of over 100,000.

Sec. 47. Nothing in this Act contained shall be construed so as to prejudice or affect the right of cities having a population of one hundred thousand or more to construct local improvements by virtue of any other law of this state.

Emergency.

Sec. 48. Whereas, in the opinion of the General Assembly, an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved April 8, 1899.

CHAPTER 152.

TOWNS AND CITIES—LIBRARIES.

(S. B. No. 333, by Senator Schermerhorn.)

AN ACT

CONCERNING FREE PUBLIC LIBRARIES, AND READING ROOMS IN CITIES AND INCORPORATED TOWNS.

Be it Enacted by the General Assembly of the State of Colorado :

Cities may
establish public
libraries.

Section 1. The city council of any city or the board of trustees of any incorporated town, whether existing under special charter or by general law, shall have the power to establish and maintain a public library and reading room for the use and benefit of the inhabitants thereof, and may levy a tax therefor of not to exceed one mill on the dollar annually, and in cities of over 100,000 inhabitants, after such library and reading room shall have been duly established, they shall levy a tax of not less than one-fourth of a mill and not to exceed one mill on the dollar annually, upon all the taxable property in such city or incorporated town; such taxes to be levied and collected in like manner with the general taxes of such city or incorporated town, and to be known as "the library fund."

Sec. 2. When any city council or board of trustees shall have decided to establish and maintain a public library and reading room under this act, the mayor of such city shall, with the approval of the city council, or board of trustees proceed to appoint six persons from the citizens at large with reference to their fitness for the duties to be performed, who, with the Mayor, (who shall be president,) shall constitute a board of directors for the same, and not more than one member of the city council shall be at any one time a member of such board. Board of directors.

Sec. 3. Said directors so appointed by the Mayor shall hold office one half for one year, and one half for two years from the 1st of July following their appointment, and at their first regular meeting they shall cast lots for the respective terms, and annually thereafter and before the 1st day of July of each year, the members of said board, whose terms of office shall not expire on said 1st day of July, shall elect three (3) directors for the ensuing two years to take the place of the retiring directors. All vacancies, except that of president, arising from any cause shall be filled by election by the remaining members of the board. Term of office.
Vacancies, how filled.

Sec. 4. No member of said board shall receive any compensation as such and any member may be removed by his associates for misconduct or neglect of duty. Removal.

Sec. 5. Such board of directors shall constitute a body corporate by the name and style of "the board of directors of the public library of the city of," and in that name may receive by gift, grant or devise, real and personal property for the uses of said library, and be a party to all suits, proceedings and contracts the same as municipal corporations in this state; Said board shall have power,—1st. to elect such officers as they shall deem necessary. Board body corporate.
Powers of board.

2nd. to establish such by-laws, rules and regulations for their own guidance, and the government and management of the library and reading room as may be deemed expedient, not inconsistent with the laws of this state.

3rd.—To exercise exclusive control of the employment and discharge of a librarian, assistants and employes, the expenditure of all moneys received for the library fund, the construction of library buildings, the supervision, care and custody of the grounds and buildings provided, and the management, care and disposition of any and all real and personal property received by such board for the use of said library from any source whatever.

4th. To lease or purchase all necessary grounds and buildings, and to construct all necessary buildings, and other appliances.

5th. To contract an indebtedness by borrowing money or issuing bonds to secure funds wherewith to purchase all necessary grounds and erect all necessary buildings for library purposes, and to secure the repayment of the same by a mortgage on real estate belonging to said board, but no lien shall at any time be placed upon the personal property belonging to said board.

6th. To do any and all things usual and necessary, and not in conflict with the laws of the state in maintaining and developing public libraries and reading rooms for the benefit of the inhabitants of their respective cities and incorporated towns.

Funds collected,
disposition of.

Sec. 7. All moneys collected or received shall be deposited in the treasury of such city or incorporated town, to the credit of "The library fund," and shall be kept separate and apart from other moneys of such city or incorporated town, and shall not, in any event, be turned in to the general fund of such city or incorporated town; and the same may be drawn upon by the proper officers of such city or town, upon the properly authenticated vouchers of said board of directors.

Library to be
public, condi-
tioned.

Sec. 8. Every library and reading room established under this act, or operating by virtue of any of its provisions, shall be forever free to the use of the inhabitants of the city or town where located always subject to such reasonable rules and regulations as the board of direc-

tors may adopt in order to render the use of said library and reading room of the greatest benefit to the greatest number; and said board may exclude any and all persons who shall wilfully violate such rules, and may also extend the priveleges [privileges] to persons residing in this state outside of such city or incorporated town, upon such conditions as they may prescribe.

Sec. 9. The Board of directors shall annually be- Board report to city council.
fore the third Monday in March, make a report to the city council of the condition of their trust on the first day of March, which report shall show for the preceding twelve months the moneys received, its sources, disposition and amount on hand; number of books received, lost, condemned, and remaining on hand; number of persons using the reading room and the number of periodicals regularly filed for their use, number of persons taking books for home reading on cards, and the number of books loaned; names of persons donating cash, books or other property, and a description thereof; together with such other statistics, information and suggestions as they may deem of general interest.

Sec. 10. The city council or board of trustees of City regulate penalties by ordinance.
any such city or the board of trustees of any incorporated town shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury to such library and reading room, or to the buildings or grounds, or other property; and for injury to or failure to return any book belonging to such library.

Sec. 11. Any person may donate money, personal Vest title in board of directors.
property or real estate for the benefit of such library or reading room, and vest title thereto in the board of directors to be held and controlled by them, when accepted, according to the terms of the deed, gift or bequest.

Sec. 12. Whenever any library association, organ- Sale or lease of library property, made how.
ized under any law of this state or not, and owning any real or personal property in this state, shall desire to sell or lease the same, or any part thereof, absolutely or with conditions, to the board of directors of any free

public library, organized under the laws of this state, such sale or lease may be made in the manner following viz.: The directors of such association shall call a meeting of all the members, subscribers or stockholders thereof, to be held at the rooms of said library or office of the secretary of such association, written or printed notice of the time, place and object of such meeting, and of the terms and conditions of the proposed sale or lease being first mailed, at least thirty (30) days prior to the time of such meeting, to the address of each member, subscriber or stockholder whose place of residence is known to any of the officers or directors of such association, and by publishing such notice for at least thirty 30 consecutive days next preceding the time of such meeting, in some newspaper published and of general circulation in the county where the property of said association is situate.

Acquiescence of
stockholders,
etc., necessary.

Sec. 13. If the members, subscribers or stockholders, representing the majority in amount of the stock of such association, shall vote, at such meeting in favor of such sale or lease upon the terms or conditions specified in such notice, or, in case said association shall consist of two or more departments, if a majority of the members, subscribers or stockholders of each department shall vote at such meeting in favor of such sale or lease so specified, then the President and Secretary shall cause a record of the proceedings of such meeting, verified by the oath of the President thereof, together [together] with an affidavit of the service of publication of notice as herein required, to be filed in the office of the Clerk and Recorder of the County where the property of such association is situate; after which the President and Secretary of the said association shall be and are hereby authorized and empowered to execute any and all necessary deeds, leases, bills of sale, or other instruments in writing, to carry out the object and intent of said vote, which, when duly executed, shall be sufficient to pass to the Board of Directors of such free public library all the legal and equitable title of said association in and

Officers execute
deeds, leases,
etc.

to the real or personal property in said instrument described as therein set forth.

Sec. 14. An Act entitled "An Act to authorize cities ^{Repeal.} and incorporated towns to establish and maintain free public libraries and reading rooms, approved April 3rd, 1893, is hereby repealed, but neither said repeal, nor anything contained in this act shall in any manner affect or ^{Not affect li-} impair any proceedings had or taken under said act, or ^{braries formerly} any rights or priveleges [privileges] acquired under said ^{organized.} act and all proceedings heretofore taken under said act shall be considered as though taken under the provisions hereof, and said proceedings shall be continued in accordance with the provisions of this act.

Sec. 15. In the opinion of the General Assembly an ^{Emergency.} emergency exists; therefore, this act shall be in effect from and after its passage.

Approved April 10, 1899.

CHAPTER 153.

TOWNS AND CITIES—WATER WORKS.

(S. B. No. 355, by Senator Bucklin.)

AN ACT

CONCERNING WATER WORKS, GAS WORKS AND ELECTRIC LIGHT WORKS IN TOWNS AND CITIES AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. The City Council of Cities and Board of ^{City have power} Trustees of Towns shall have power to purchase or erect ^{to erect.} Water Works, Gas Works or Electric Light Works; or to authorize the erection of the same by others; but no such Works shall be erected or authorized until a ma-

City may
condemn.

majority of the voters of the City or Town who are taxpayers under the law voting on the question at a general or special election, by vote approve the same. All of such Works hereafter so authorized by any City or Town to be erected by others, or the franchise of which shall be extended or renewed, shall be authorized, extended or renewed upon the express condition that such Municipality shall at any time have the right and power to purchase or condemn any such works at its actual cash value, and at a price excluding all value of the franchise or right of way through the streets, and also excluding any value by virtue of any contract for hydrant or private rental or otherwise entered into with the Municipality in excess of the actual value of the works;

Proviso.

Provided, That nothing herein shall authorize the condemnation of any such works within twenty years after their original erection or construction, except at periods of ten and fifteen years after granting the franchise therefor.

Sec. 2. Said Cities or Towns are hereby authorized to condemn and appropriate so much private property as shall be necessary for the construction and operation of Water, Gas or Electric Light Works in such manner as may be prescribed by law.

Condemn private
property.

Said Cities or Towns shall also have the power to condemn and appropriate any Water, Gas or Electric Light Works not owned by such City or Town, in such manner as is or may be prescribed by law for the condemnation of real estate.

Repeal.

Sec. 3. Sections 1 and 3 of An Act entitled "An Act to amend the sixty-seventh (67), sixty-ninth (69), seventieth (70), and seventy-first (71), paragraphs of section fourteen (14) of Chapter CIX, the same being general section thirty three hundred and twelve (3312) thereof, of the general statutes of Colorado," Approved April 13, 1893, and all other Acts or parts of Acts in conflict herewith are hereby repealed.

Approved April 6, 1899.

CHAPTER 154.

TRADE MARKS.

(H. B. No. 281, by Mr. Hermond.)

AN ACT

TO CONFER EXCLUSIVE RIGHTS TO THE USE OF LABELS, TRADE MARKS, TERMS, DESIGNS, DEVICES OR FORMS OF ADVERTISEMENT AND PROVIDE FOR THE RECORDING OF THE SAME, TO PROVIDE A REMEDY FOR THE VIOLATION OF SUCH RIGHT, AND THE PENALTY FOR THE UNLAWFUL USE OF LABELS, TRADE MARKS, TERMS, DESIGNS, DEVICES AND FORMS OF ADVERTISING, AND TO REPEAL ALL ACTS AND PARTS OF ACTS INCONSISTENT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. Whenever any person, or any association or union of workmen, has heretofore adopted or used, or shall hereafter adopt or use, any label, trade mark, term, design, device or form of advertisement for the purpose of designating, making known, or distinguishing any goods, wares, merchandise or other product of labor, as having been made, manufactured, produced, prepared, packed or put on sale by such person or association or union of workmen or by a member or members of such association or union, it shall be unlawful to counterfeit or imitate such label, trade mark, term, design, device or form of advertisement, or to use, sell, offer for sale or in any way utter or circulate any counterfeit or imitation of any such label, trade mark, term, design, device or form of advertisement. Unlawful to counterfeit.

Sec. 2. Whoever counterfeits or imitates any such labels, trade mark, term, design, device or form of advertisement; or sells, offers for sale or in any way utters Use of counterfeits punishable by fine and imprisonment.

or circulates any counterfeit or imitation of any such label, trade mark, term, design, device or form of advertisement; or keeps or has in his possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor to which or on which any such counterfeit or imitation is printed, painted, stamped or impressed; or knowingly sells or disposes of any goods, wares, merchandise or other product of labor contained in any box, case, can or package, to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed; or keeps or has in his possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other products of labor in any box, case, can or package to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment for not more than three months or by both such fine and imprisonment.

File marks or labels, how.

Sec. 3. Every such person, association or union that has heretofore adopted or used, or shall hereafter adopt or use, a label, trade mark, term, design, devise or form of advertisement as provided in section 1 of this act, may file the same for record in the office of the Secretary of State by leaving two copies, counter-parts or fac-similies thereof, with said secretary and by filing therewith a sworn application specifying the name or names of the person, association or union on whose behalf such label, trade mark, term, design, device or form of advertisement shall be filed; the class of merchandise and description of the goods to which it has been or is intended to be appropriated stating that the party so filing or on whose behalf such label, trade mark, term, design, device or form of advertisement shall be filed, has the right to the use of the same; that no other person, firm, association, union or corporation has the right of such use, either in the identical form or in any such near resemblance thereto as may be calculated to

Near resemblance not permissible.

deceive and that the fac simile or counterparts filed therewith are true and correct. There shall be paid for such filing and recording a fee of one Dollar. Said secretary shall deliver to such person, association or union so filing or causing to be filed any such label, trade mark, term, design, device or form of advertisement, so many duly attested certificates of the recording of the same as such person, association or union may apply for, for each of which certificates said secretary shall receive a fee of one dollar. Any such certificate of record shall in all suits and prosecutions under this act be sufficient proof of the adoption of such label, trade mark, term, design, device or form of advertisement. Said Secretary of State shall not record for any person, union or association and label, trade mark, term, design, device or form of advertisement that would probably be mistaken for any label, trade mark, term, design, device or form of advertisement theretofore filed by or on behalf of any other person, union or association. But the said Secretary shall file and record under this act any label, trade mark, term, design, device or form of advertisement, which may have been previously filed by any person, or any association or union of workingmen, provided the person, association or union seeking to file and record under this act is the same person, association or union that previously filed or recorded the same label, trademark, term, design, device or form of advertisement.

Secretary issue certificate.

Certificate proof of adoption.

Secretary shall not record near resemblance to other filings.

May refile.

Sec. 4. Any person who shall for himself or on behalf of any other person, association of union procure the filing of any label, trade mark, term, design, or form of advertisement in the office of the Secretary of State under the provisions of this act, by making any false or fraudulent representations, or declarations, verbally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such filing, to be recovered by or on behalf of the party injured thereby in any court having jurisdiction and shall be punished by a fine not exceeding five

Fraudulent representation.

Penalty.

hundred dollars (\$500) or by imprisonment not exceeding three months, or by both such fine and imprisonment.

Owner of label
may enjoin use
or sale of
counterfeit.

Sec. 5. Every such person, association or union adopting or using a label, trade mark, term, design, device or form of advertisement as aforesaid, may proceed by suit for damages to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof and all courts of competent jurisdiction shall grant injunction to restrain such manufacture, use, display or sale and award the complainant in any such suit damages resulting from such manufacture, use, sale or display as may be by the said court deemed just and reasonable, and shall require the defendant to pay to such person, association or union all profits derived from such wrongful manufacture, use, display or sale; and such court shall also order that all such counterfeits or imitations in the possession or under the control of any defendant in such cause be delivered to an officer of the court, or to the complainant to be destroyed.

Court award
damages.

Destroy coun-
terfelts.

Misdemeanor.

Sec. 6. Every person who shall use or display the genuine label, trade mark, term, design, device or form of advertisement of any such person, association or union in any manner, not being authorized so to do by such person, union or association, shall be deemed guilty of a misdemeanor and shall be punished by imprisonment for not more than three months or by a fine of not more than five hundred dollars (\$500).

Suits, how
prosecuted.

In all cases where such association or union is not incorporated, suits under this act may be commenced and prosecuted by an officer or member of such association or union on behalf of and for the use of such association or union.

Misdemeanor.

Sec. 7. Any person or persons who shall in any way use the name or seal of any such person, association or union or officer thereof in and about the sale of goods or otherwise, not being authorized to so use the same, shall be guilty of a misdemeanor, and shall be punishable by imprisonment for not more than three months,

or by a fine of not more than five Hundred dollars (\$500).

Sec. 8. In case the plaintiff is successful in maintaining his action either for damages or for permanent relief by injunction, or for nominal damages only, he shall be entitled to recover a reasonable attorney's fee, to be taxed by the court as a part of the costs, and merged in the judgment. Recover attorney's fee.

Sec. 9. All acts and parts of acts inconsistent herewith are hereby repealed; provided, that this act shall not be construed as impairing any rights heretofore accrued, nor as affecting the remedies therefor heretofore existing. Repeal.

Approved April 10, 1899.

CHAPTER 155.

TRUCK SYSTEM.

(H. B. No. 99, by Mr. Bell.)

AN ACT

IN RELATION TO THE "TRUCK SYSTEM" SECURING TO LABORERS AND OTHERS THE PAYMENT OF THEIR WAGES IN LAWFUL MONEY OF THE UNITED STATES, AND PRESCRIBING PENALTIES FOR A VIOLATION OF THIS ACT, AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. It shall be unlawful for any person, company or corporation, or the agent or the business manager of any such person, company or corporation, doing business in this State, to use or employ, as a system, directly or indirectly, the "truck system" in the payment. Truck system unlawful.

in whole or in part, of the wages of any employe or employes of any such person, company or corporation.

Truck system,
definition.

Sec. 2. The words "truck system" as used in the preceding section are defined to be: (1) Any agreement, method, means or understanding used or employed by an employer, directly or indirectly, to require his employe to waive the payment of his wages in lawful money of the United States, and to take the same, or any part thereof, in goods, wares or merchandise, belonging to the employer or any other person or corporation. (2) Any condition in the contract of employment between employer and employe, direct or indirect or any understanding whatsoever, express or implied, that the wages of the employe, or any part thereof, shall be spent in any particular place or in any particular manner. (3) Any requirement or understanding whatsoever by the employer with the employe that does not permit the employe to purchase the necessities of life where and of whom he likes without interference, coercion, let or hindrance. (4) To charge the employe interest, discount or other thing whatsoever for money advanced on his wages, earned or to be earned, where the pay days of the employer are at unreasonable intervals of time. (5) Any and all arrangements, means, or methods, by which any person, company or corporation, shall issue any truck order, scrip, or other writing whatsoever, by means whereof the maker thereof may charge the amount thereof to the employer of laboring men so receiving such truck order, scrip or other writing, with the understanding that such employer shall charge the same to his employe and deduct the same from his wages.

Truck order,
scrip, etc., void.

Sec. 3. Any truck order, scrip or other writing whatsoever, made, issued, or used in aid of or in furtherance of, or as a part of, the "truck system" as defined in this Act, evidencing any debt or obligation from any person, company or corporation for wages due or to become due to any employe or employes of any person, company or corporation, issued under a system whereby it is the intent and purpose to settle such wage debt or debts

by any means or device other than in lawful money, shall be utterly void in the hands of any person, company or corporation with knowledge that the same had been issued in pursuance of such system, and it shall be unlawful to have, hold or circulate the same with such knowledge. Unlawful to hold.

Sec. 4. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and by imprisonment in the County Jail of not less than thirty days, nor more than six months. Violation a misdemeanor.
Penalty.

Sec. 5. The violation of the provisions of any section of this act by any corporation organized and existing under the laws of this state shall be deemed sufficient cause for the forfeiture of the charter of any such corporation, and the attorney general of the state shall immediately commence proceedings in the proper court in the name of the people of the state of Colorado, against any such corporation for the forfeiture of its charter. Violation cause for forfeiture of charter.

Sec. 6. Any foreign corporation doing business in this state that shall violate the provisions of any section of this act shall forfeit its right to do business in this state, and the attorney general of the state shall, upon such violation coming to his knowledge, by information or otherwise, institute proceedings in the proper court for the forfeiture of the right of any such corporation to do business in this state. Foreign corporations forfeit right to do business.

Sec. 7. That if the attorney general of the state should fail, neglect or refuse to commence such actions as are provided for in sections 5 and 6 of this act, after demand being made upon the attorney general to institute such proceedings by any responsible person, then any citizen of this state shall have the right to institute and maintain such proceedings, upon giving bond for costs of suit. Any citizen may institute proceedings, when.

District attorney prosecute.

Sec. 8. The district attorney of any county shall prosecute for any violation of this act in the same manner as he may be required by law to prosecute for the violation of other criminal acts, except as provided in sections 5 and 6 of this act.

Not apply to ditch, canal and reservoir companies.

Sec. 9. That the provisions of this act shall not be construed to prevent ditch, canal and reservoir companies from contracting or issuing orders or warrants payable at future dates in lawful money of the United States, for labor performed or services rendered for it or to contract for and pay for the same in the Capital Stock of such companies, or water rights or privileges for water connected with the same.

Repeal.

Sec. 10. That all acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

Emergency.

Sec. 11. Whereas, in the opinion of the General Assembly an emergency exists; therefore, this act shall be in force and take effect from and after its passage.

Approved March 31, 1899.

CHAPTER 156.

WARRANTS—FAILURE OF TREASURERS TO CALL.

(S. B. No. 191, by Senator Taylor.)

AN ACT

TO PROVIDE A PENALTY FOR FAILURE OF THE STATE OR COUNTY, CITY, TOWN OR SCHOOL DISTRICT TREASURERS TO CALL WARRANTS AS PROVIDED BY LAW.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. Whenever the Treasurer of the State or any County, City, Town or School District shall have in his hands any moneys applicable to the payment of any State, City, Town, County or School District Warrant, and shall fail or neglect for thirty days to publish a call as provided by law for the presentation and payment of warrants, he shall be deemed guilty of a misdemeanor and, upon conviction, shall be liable to a fine not less than ten nor more than three hundred dollars.

Sec. 2. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 4, 1899.

CHAPTER 157.

WATER DISTRICT NO. 8.

(S. B. No. 347, by Senator Ammons.)

AN ACT

IN RELATION TO WATER DISTRICT NO. 8, DEFINING THE
BOUNDARIES THEREOF AND REPEALING ALL ACTS IN
CONFLICT HEREWITH.

Be it Enacted by the General Assembly of the State of Colorado:

Boundaries
water district
No. 8.

Section 1. That Water District No. 8 shall consist of all lands irrigated by ditches taking water from Cherry creek, Plum creek and Platte river, and their tributaries, except Bear creek, above water district No. 2, and below the forks of the north and south branches of the South Platte river, and including all lands and ditches in Douglas county.

Repeal.

Sec. 2. All Acts and parts of acts in conflict herewith are hereby repealed.

Emergency.

Sec. 3. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved April 6, 1899.

CHAPTER 158.

WATER DISTRICT 23.

(S. B. No. 423, by Senator Stratton.)

AN ACT

IN RELATION TO THE BOUNDARIES OF WATER DISTRICT
NO. 23.

Be it Enacted by the General Assembly of the State of Colorado :

Section 1. Water District No. 23 shall consist of ^{Boundaries} all lands in the State of Colorado being, or to be, irri- ^{water district} gated from ditches or canals taking water from the South ^{No. 23.} Platte River, and from any of its direct, or indirect, tributaries, at any point or points above Water District No. 8, in the said State, and all lands upon the tributaries of the Arkansas river which lie within the boundaries of Park County.

Sec. 2. All Acts and parts of acts in conflict here- ^{Repeal.} with are hereby repealed.

Sec. 3. In the opinion of the General assembly an ^{Emergency.} emergency exists; therefore, this Act shall be in effect and force from and after its passage.

Approved April 6, 1899.

SENATE JOINT RESOLUTION NO. 1.

(By Senator Roe.)

Whereas; The fortitude and bravery, as displayed by the Colorado officers and men, during the late war with Spain, has attracted profound and universal admiration, and

Whereas; Their splendid achievements reflect great credit, as to the loyal devotion of our State to our Government;

Therefore: Be it Resolved, that the General Assembly of the State of Colorado, representing an appreciative people, do hereby express to these Soldiers, those mustered out and those still in the field, our earnest gratitude and admiration.

RESOLVED, That a copy of these Resolutions be enrolled and mailed, by the Secretary of State, to the Commanding Officers now in the Field.

Adopted by unanimous rising vote in the Senate, January 16th, 1899, Denver, Colorado.

SENATE JOINT RESOLUTION NO. 3.

(By Senator Taylor.)

Concerning the Redemption of Certain Outstanding State Warrants.

Whereas, there are outstanding and unpaid, sundry State Warrants, drawn by the State Auditor on the several State funds, which the State Treasurer has not paid, notwithstanding the fact that the said warrants are issued in due form and drawn under and in accordance with existing laws, by the proper officers, to pay sundry claims against the State of Colorado, duly presented and authenticated by the proper officers representing the State, for and on account of debts contracted by the State in the administration of State affairs, and

Whereas, to pay such warrants and meet the outlay on account of the State debts they represent, taxes have heretofore been levied, collected and appropriated by the proper authorities, under the laws of this State, and the moneys so raised are now and for several years have been in the hands of the State Treasurer, amounting to the sum of \$89,348,77, which are held for application to the redemption of such warrants and the moneys are due thereon, and can be used for no other purpose, and

Whereas, all of said warrants are drawing six per centum interest and must be paid with such interest, by said State, and the money in the hands of the Treasurer of this State has been collected and appropriated for the payment of the same as aforesaid is drawing only two per centum, thus showing a loss to the State as long as these warrants remain outstanding, of four per centum per annum, and

Whereas, the State Treasurer in his last bi-ennial report, recommends that this Legislature pass a bill or take such steps as may be proper to authorize the treas-

urer to pay the warrants issued during the fiscal years of 1888 and 1889.

Now, Therefore, Be It Resolved, by the Senate of the State of Colorado, the House of Representatives concurring,

That the State Treasurer of this State be and hereby is authorized and directed to call in and pay, within thirty days after the adoption of this resolution, from the funds in his hands collected and appropriated for that purpose, the State warrants and interest upon the same up to the day of payment, beginning with the warrants registered from and after December 1st 1888, in the order of their registration, to the extent of the said amount of funds in his hands for that purpose, excepting, however, that he is not authorized to pay any warrants heretofore declared void by the Supreme Court.

Approved April 29, 1899.

SENATE JOINT RESOLUTION NO. 4.

(By Senator Taylor.)

Concerning the publication of the Journals of the Eleventh General Assembly.

Whereas; The Senate and House Journals of the 11th General Assembly have not heretofore been published, but are in an inconvenient and very unsatisfactory form in the office of the Secretary of State; and

Whereas; Said Secretary has, in his biennial report, urged the advisability (advisability) of having said Journals published;

Now Therefore Be It Resolved by the Senate, The House of Representatives concurring, that the Secretary of State be, and he is hereby directed to compile, index and publish said Journals as provided by law and in a form similar to the Journals of the 10th General Assembly.

Approved April 29, 1899.

S. C. R. No. 10.

RESOLUTIONS OF RESPECT.

(By Senator Roe.)

Whereas: On the 23rd. day of February, Hattie McKee French, wife of Samuel M. French, Commander of the Colorado Soldiers' and Sailors' Home at Monte Vista, ended her years of usefulness on earth and passed beyond, and

Whereas: As Matron of the Home for several years without other recompense than the respect and love of the old Soldiers and the reward that comes from doing a duty that was in itself a pleasure, she daily ministered to the sick in the hospital and watched over the welfare of the inmates, counseling and comforting them daily.

Therefore, Be it Resolved, by the Members of the Twelfth General Assembly, That the sympathy of the Members be extended to Commander French and his Family in their sorrow over the departure of one whose life was steadfastly devoted to the work and pleasure of ministering to comrades, friends and relatives, and,

Be it Further Resolved, That an engrossed copy of these resolutions be forwarded to Commander French.

Approved March 10, 1899.

SENATE CONCURRENT RESOLUTION NO. 11.

(By Senator Barela.)

Whereas there is now pending in the Senate of the United States a certain bill for the creation of a new Circuit Court of the United States, to include the Districts of Colorado, Wyoming, Utah and Montana, and to be known as the Tenth Circuit, and which bill likewise provides for the creation of a Circuit Court of Appeals of the United States for the said Tenth circuit, and provides for the holding of the Circuit Court of Appeals for said Circuit at the City of Denver, in the State of Colorado, and at such other places as shall be determined upon by the said Circuit Court of Appeals; and,

Whereas, said bill has met with the approval of a large number of people residing within the said proposed Circuit, and it is considered that its provisions will largely relieve the present unjustifiable expense of prosecuting litigation in the Federal Courts in Colorado and the other states comprising the said proposed Tenth Judicial Circuit:

Now therefor, be it resolved by the Senate of the 12th General Assembly of the State of Colorado, the House of Representatives Concurring (Concurring):

That our Senators and Representatives in the Congress of the United States be requested to urge the passage of the said bill creating the said Tenth Judicial Circuit and the Circuit Court of Appeals for the said Tenth Circuit, and to use all efforts in their power to bring about the enactment of said bill into a law at the earliest date practicable.

Approved April 4, 1899.

SENATE CONCURRENT RESOLUTION NO. 12.

(By Senator Roe.)

Whereas, the members of the Grand Army of the Republic are desirous of moving the Soldiers' and Sailors' Home from its present location, and

Whereas, it is believed by all concerned that some other institution should be located at or removed to Monte Vista before the Soldiers' Home is removed from its present location,

Be it Resolved, by the Senate, the House concurring, that the Governor be empowered, and requested to appoint within ninety (90) days from the adjournment of this Session, a Commission of five citizens who shall receive no compensation except their actual expenses, and who shall investigate the whole subject of the removal of such Home, and who shall prepare and submit to the next session of the Legislature such Bill or Bills as they may deem proper and just looking to and providing for a just and fair exchange that will remove the Soldiers' and Sailors' Home at or near one of the following cities, viz., Denver, Colorado Springs, Pueblo, Golden or Brighton, and which shall provide for locating at or removing to the present Soldiers' Home site, some other State institution that will be a fair and just exchange for the loss to the people of Monte Vista for the removal of the Soldiers' Home; Provided, That the Home for Incurable Girls shall not be considered in such exchange, and provided that two members of such Commission shall be residents of Monte Vista and three members shall be members of the Grand Army; and provided, further, that such Commission shall arrange for donations looking to the establishment of a new Home for the Soldiers and Sailors at or near one of the cities above named.

Approved April 29, 1899.

HOUSE JOINT RESOLUTION NO. 5.

(By Max Morris.)

Whereas, At the 2nd. Session of the 55th. Congress, House Bill No. 7389, "An Act limiting the hours of daily services of laborers, workmen and mechanics employed upon the public works of, or work done for the United States, or any Territory, or the District of Columbia," passed the House of Representatives May 17th, 1898, and is now pending for action in the Senate, and,

Whereas, It is important to the laboring people of the United States that this act pass before the adjournment of the present session of the Senate; therefore,

Resolved, that this House, the Senate concurring therein, hereby petition the Honorable Senate, of the United States, to pass this Act at their present session.

Resolved, that it is the request of this House, the Senate concurring therein, that the Honorable Senators, H. M. Teller and E. O. Wolcott, from this state, push and support said measure and vote for the same on its final consideration.

Approved March 9, 1899.

HOUSE JOINT RESOLUTION NO. 10.

(By Mr. Bell.)

Whereas: Equal suffrage has been in operation in Colorado for five years, during which time women have exercised the privilege as generally as men, with the result that better candidates have been selected for office, methods of election have been purified, the character of legislation improved, civic intelligence increased and womanhood developed to greater usefulness by political responsibility; Therefore,

Resolved, by the House of Representatives, the Senate concurring, That in view of these results the enfranchisement of women in every state and territory of the American Union is hereby recommended as a measure tending to the advancement of a higher and better social order.

That an authenticated copy of these resolutions be forwarded by the Governor of the state to the legislature of every state and territory, and that the press be requested to call public attention to these resolutions.

HOUSE JOINT MEMORIAL NO. 21.

(By Mr. Browning.)

Whereas, Gettysburg and Vicksburg are the two names that mark the turning point in the Civil War and both should be commemorated in the most impressive and enduring manner possible, and

Whereas, the establishment of a National Military Park to commemorate the campaign, siege and defense of Vicksburg, will be an enduring memorial to the patriotism and valor of American soldiers, and an appropriate monument to the great Commander who planned the Vicksburg campaign and brilliantly carried it to a successful issue, Therefore,

Resolved, by the House of Representatives, the Senate concurring herein, that the General Assembly of the State of Colorado endorses the bill to establish a National Military Park at Vicksburg (H. R. 4382, 55th Congress), respectfully petitions that it be passed during the present session of Congress, and requests the Senators and Members of the House of Representatives in Congress from Colorado to labor earnestly to secure its passage.

Resolved, that the Secretary of State be and is hereby instructed to send a copy of this Resolution to the Senators and Members of the House of Representatives in Congress from Colorado; to William McKinley, President of the United States; to Thomas B. Reed, Speaker of the House of Representatives; to Joseph R. Hawley, Chairman of the Senate Committee on Military Affairs, and to John A. T. Hull, Chairman of the House Committee on Military Affairs.

Approved March 9, 1899.

JOINT MEMORIAL NO. 1.

(By Senator Barela.)

The General Assembly of the State of Colorado, To the Senate and House of Representatives of the United States of America, in Congress Assembled.

To the Honorable, the Senate and the House of Representatives, of the United States of America, in Congress Assembled:

Your Memorialists, The General Assembly of the State of Colorado, respectfully represent, that by reason of their geographical proximity, their topographical similarity, and their historical origin in common with the Republic of Mexico, the attention of your memorialists has been especially called to the extent and character of our sister Republic, and the relations of the United States toward her people and their sentiments.

That interesting people occupy a region having a common border line with the United States extending over two thousand miles; a region replete with history that seems to fill all the epochs since the cradle ages with a marked and wonderful variety of vegetable products, the most extensive mineral output, and a vast commerce in domestic animals. These with a government quite similar to our own, with a development on lines of higher civilization, parallel with our own, cannot but excite in our breasts a lively, honorable and sympathetic interest.

Late statistics show that the Republic of Mexico received, during her last fiscal year, imports to the value of \$42,204,095. of which more than half, or, \$22,593,860 came from the United States. They exported during the same year a total value of \$111,346,494. of which \$86,742,951. came to the United States, most of which, outside the precious metals, being of a character not infringing on our manufactured productions.

Citizens of the United States have investments in Mexico divided among Rail Roads, [railroads] Smelting, herding, rubber and coffee plantations, and other fixed values, a sum approximating three Hundred Millions of dollars.

For more than three hundred years Mexico was under the dominion of Spain. In 1821, following the line of most colonies on this hemisphere, she declared her independence, and shed her blood that liberty might approach the minimum degrees of latitude, and settle its benign influences over her vast dominion. Under liberty and free Government since Juarez—Mexico, has not attempted the portals of the future with the blood rusted key of the past, but with her educational, religious and internal improvement systems abreast with the present, she is unlocking her future, under the Administration of President Diaz, by engendering a policy in harmony with the most advanced lines of civilization.

No doubt that the example set by our forefathers in resisting the tyranny of Great Britain, was the spark that inspired the Mexican patriots to throw off the yoke of Spain, and, later, that spark still burning on her altars, caused her to resist the attempt to erect an alien and hostile dynasty within her borders. And who will deny that the sentiment of patriotism was the potency of her arms in resisting the aggression of the United States in our war with that sister republic:

Time has smoothed the ruffles of that strife, and forgetfulness has settled forever its amenities. But time never grows old to the patriotic sentiments of a people.

In our war with our sister republic we captured many cannon, guns, banners, and other trophies of war, many of which were captured from Spain by Mexico during her struggle for independence. They are to Mexico, mementoes of the blood purchase of her liberty. To us they are mere superannuated guns and mouldering banners, in no wise needed to preserve in the hearts

of our people the memory of the valor of her soldiery. Some of these mementoes are at West Point and, other places, particularly the "Vera Cruz", the "Contreras", the "Chapultepec", the "Molino del Rey", and the "City of Mexico." Some of these again spoke for liberty, as in the case at Greensburg, Kentucky, during the war for the preservation of the Union.

The late achievements of our country, our efforts in the cause of humanity, the prowess of our arms, the brilliant victories of our navy, have lifted us to a conspicuous position, where we command at once the wonder and admiration of the world. We can afford to be magnanimous.

Your memorialists believe that the return of these cannons, guns, banners, and other trophies to our sister republic would show that generous spirit of high planed fraternity that would excite in the people of that republic a confidence in our friendly and peaceful intentions, kindle a lively interest in our welfare, and invoke a love for us as a people that would find root in the most arid acre of her possessions.

Your memorialists, in view of these considerations, and in harmony with the sentiments they enjoin, pray your Honorable Bodies to provide by law or joint resolution, that the cannons, banners and other trophies which were captured by the United States in the conflict between this Republic and the Republic of Mexico, be returned to the Mexican administration with such expression as a half century of peace may suggest.

And your memorailists [memorialists] will ever pray, etc. That this memorial be enrolled and one copy be sent to the President of the United States, and one copy to each of our members in the Senate and in the House of Representatives in congress assembled.

WILLIAM G. SMITH,
Speaker of the House of Representatives.

FRANCIS CARNEY,
President of the Senate.

CHARLES S. THOMAS,
Governor of the State of Colorado.

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